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A HISTORY OF TRAVEL IN AMERICA

BAYON SACRA (LUISIANA).

A scene illustrating the principal dissipation on a Mississippi broadhorn. From a drawing by the American artist, Henry Lewis. Sm. F. Lith. Col. German.

A History of Travel in America

Being an Outline of the Development in Modes of Travel from Archaic Vehicles of Colonial Times to the Completion of the First Transcontinental Railroad: the Influence of the Indians on the Free Movement and Territorial Unity of the White Race: the Part Played by Travel Methods in the Economic Conquest of the Continent: and those Related Human Experiences, Changing Social Conditions and Governmental Attitudes which Accompanied the Growth of a National Travel System

DISCARD

BY

SEYMOUR DUNBAR

With two maps, twelve colored plates and four hundred illustrations

VOLUME II

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A HISTORY OF
TRAVEL IN AMERICA

A HISTORY OF TRAVEL IN AMERICA

CHAPTER XIX

FULTON AND THE CLERMONT — PUBLIC ACCEPTANCE OF THE PRINCIPLE THAT STEAM COULD BE USED IN TRANSPORTATION — THE SIXTEEN AMERICAN STEAMBOATS OPERATED PRIOR TO THE CLERMONT — RELATION OF EARLY STEAMBOATS TO THE CLERMONT AND INCIDENTS CONNECTED WITH HER EVOLUTION

THE appearance of the steamboat *Clermont,* on which Schultz proceeded from New York to Albany in 1807, marked the final acceptance, by the people, of the principle that steam could be made of practical use in travel and transportation. By that time the new generation with its progressive ideas and enterprise was better able to estimate the probable value of any innovation which presaged greater material welfare to the country, and perchance more eager to accept every device giving promise of practical utility. The collective mind of the Americans, emancipated at last from a belief that future progress of every sort must be along existent and visible lines of effort, was impatiently calling for the uninterrupted procession of wonders thenceforward to appear in response to its demand. The generality of men did not know what was to be done, or how, but they did realize another age had begun and that the strange new problems it presented would in some way be solved, and by themselves.

So when Robert Fulton turned his snub-nosed little steamboat out into the Hudson River and started her toward Albany, wheezing and coughing along at the rate of five miles an hour, the watching populace comprehended. A throng had gathered at the wharf and in its immediate neighborhood, drawn by a knowledge of what was to be attempted. There were some skeptics in it, and during the preliminary preparations and embarkation of the passengers an occasional jest and disparaging remark was heard. But the bulk of the crowd was of open mind. Its members did not believe travel was impossible in a boat propelled by steam simply because such a thing, so far as they knew, had never been seen or heard of before. Doubtless they wanted it to be possible; hoped it would be.

Then the machinery started and the *Clermont*[1] moved away from the dock under her own power. The uncertainty and hope of a moment before were changed to an instant appreciation of what it meant. Even before she had disappeared from their physical vision the minds of the spectators had gone on ahead of her, over all the rivers of the land, and peopled them with like contrivances. It was an actuality with a visible meaning; a meaning so plain that those who beheld the sight might have marvelled had they known of the similar drama enacted years before to the jeers of them that saw it. The boat moved slowly—but what of that. Improvements could be made. Everything could be improved, no matter what its use was. The thing had been done; that

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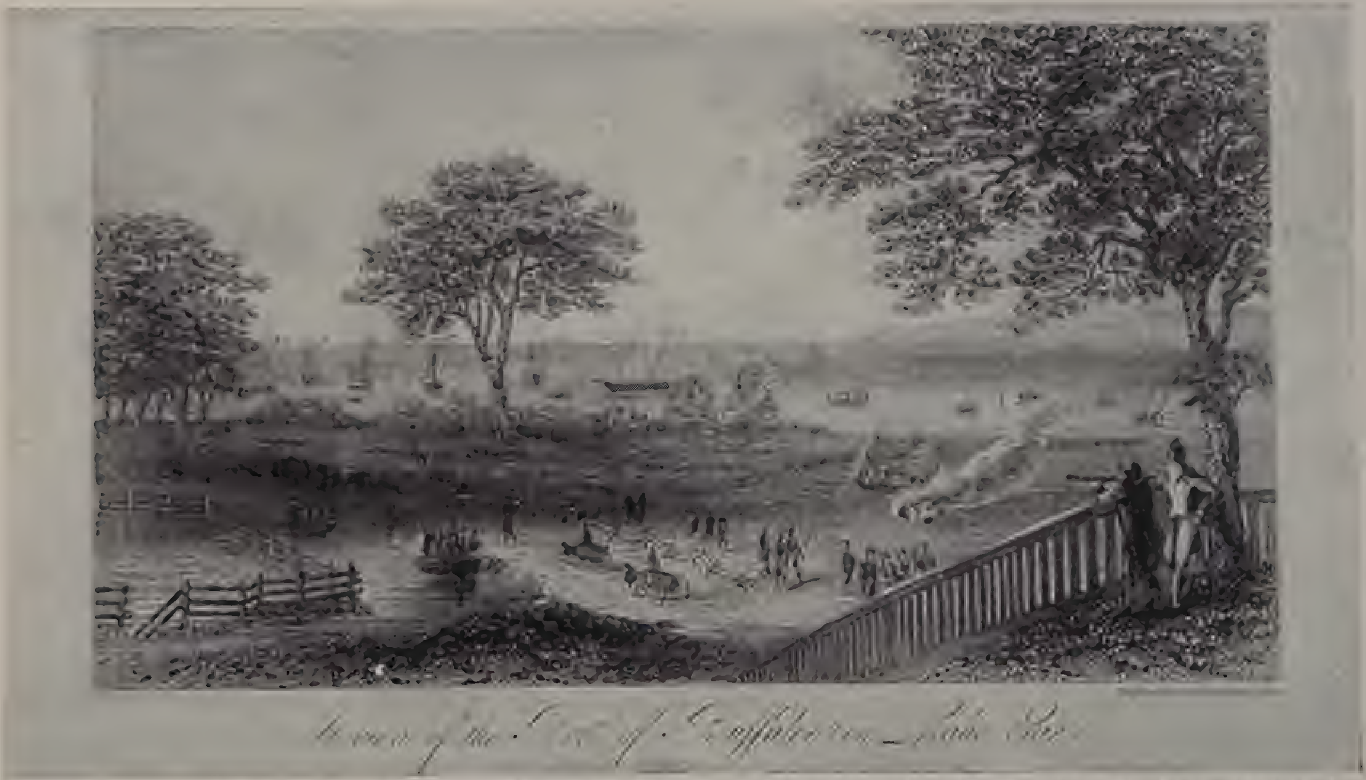
[1] She was—as at first built—133 feet long, 18 feet wide and 7 feet in depth of hold, with two masts and sails.


A view of the [illegible] of Buffaloe on Lake Erie

102.—No steam vessel appeared on the Great Lakes until 1818. View of the harbor of Buffalo and lake shipping in 1815, during the embarkation of troops engaged in the war with Great Britain.

was the main point. A principle had been established. Therefore the citizens lifted up their voices in exultant hosanna, tossed their hats aloft, embraced one another with enthusiasm and unanimously admitted, once more, that they were indeed a very great people. They thought they were cheering Robert Fulton and his steamboat, whereas they were applauding a progress in popular judgment and the excellence of their own discrimination. This was no madman puttering at Conjurer's Point, but a benefactor of his race. So ran the verdict.

The *Clermont* steamed to Albany[1] on her first trip in thirty-two hours against a head wind that prevented the use of her sails, and came back to New York in thirty hours. She stopped at night, and four and a half days were consumed in making the entire experiment. A description of the appearance of the craft on the water and of the excitement she created along the shores of the river and among other shipping on the stream was later written by one who had, as a boy, beheld the boat.[2] The account says:

> "It was in the early autumn of the year 1807 [3] that a knot of villagers was gathered on a high bluff just opposite Poughkeepsie, on the west bank of the Hudson, attracted by the appearance of a strange dark-looking craft which was slowly making its way up the river. Some imagined it to be a sea-monster, whilst others did not hesitate to express their belief that it was a sign of the approaching judgment. What seemed strange in the vessel was the substitution of lofty and straight smoke-pipes, rising from the deck, instead of the gracefully tapered masts that commonly stood on the vessels navigating the stream, and, in place of the spars and rigging, the curious play of the walking-beam and pistons, and the slow turning and splashing of the huge and naked paddle-wheels, met the astonished gaze. The dense clouds of smoke, as they rose wave upon wave, added still more to the wonderment of the rustics. This strange looking craft was the Clermont on her trial trip to Albany. . . .

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[1] A distance of about 160 miles.

[2] The author of the narrative was H. Freeland. It was published by Reigart, one of the biographers of the "Clermont's" builder, in his "Life of Robert Fulton," Phila., 1856.

[3] The "Clermont" left New York at 1 p. m. on August 7, 1807.

"On her return trip the curiosity she excited was scarcely less intense—the whole country talked of nothing but the sea-monster, belching forth fire and smoke. The fishermen became terrified, and rowed homewards, and they saw nothing but destruction devastating their fishing grounds, whilst the wreaths of black vapor and rushing noise of the paddle wheels, foaming with the stirred-up waters, produced great excitement amongst the boatmen, until . . . the character of that curious boat and the nature of the enterprise which she was pioneering had been ascertained. From that time Robert Fulton, Esq., became known and respected as the author and builder of the first steam packet, from which we plainly see the rapid improvement in commerce and civilization. Who can doubt that Fulton's first packet boat has become the model steamer? Except in finer finish and greater size there is no difference between it and the splendid steamships now crossing the Atlantic. Who can doubt that Fulton saw the meeting of all nations upon his boats, gathering together in unity and harmony, that the 'freedom of the seas would be the happiness of the earth?'[1] Who can doubt that Fulton saw the world circumnavigated by steam, and that his invention was carrying the messages of freedom to every land that no man could tell all its benefits, or describe all its wonders? What a wonderful achievement! What a splendid triumph! Fulton was a man of unparalleled foresight and perseverance. His character and genius rise higher in our estimation, and still more grandly before our minds, the more we contemplate him. . . . ."

Just as the pack-train drivers of a former time fought the introduction of wagons on the early roads of Pennsylvania, so did the sailing vessels of the Hudson uselessly seek to retard the general introduction of steamboats by working injury to the *Clermont.* The men who for years had earned their bread on the sloops which until then enjoyed a monopoly of river traffic recognized the significance of the steam craft.[2] In revolt at the new conditions it foretold they sought to disable the boat and to discredit her performances and make her an unpopular vehicle of travel. Several times she was run down and damaged in that manner, but no grave injury resulted. Occasionally she had a paddle wheel knocked off bodily.

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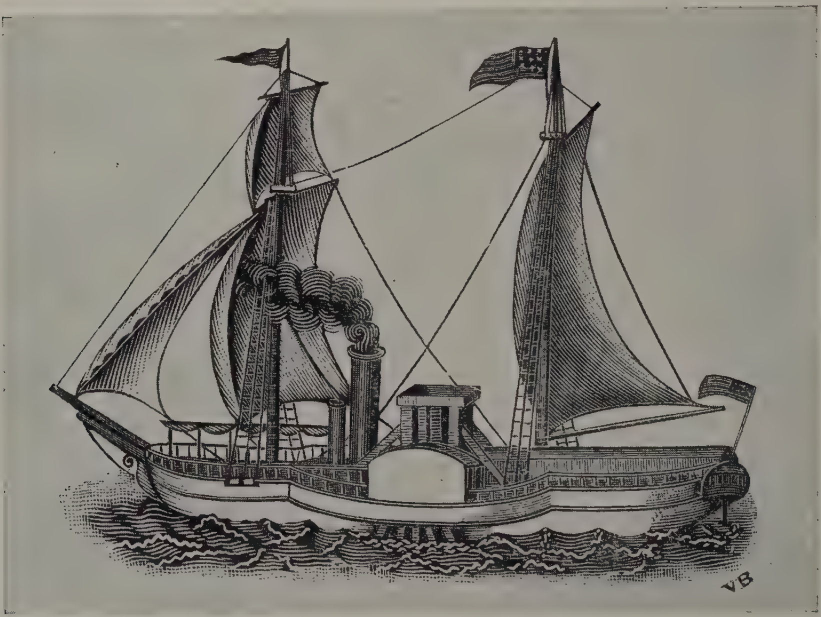
[1] A favorite expression used by Fulton.

[2] Thurlow Weed was one who began his career as cabin-boy on a Hudson River sailing packet, and was so engaged when the "Clermont" appeared. But his mind was not of the caliber to resent such an innovation.

In commenting on the attacks one of the inventor's biographers[1] has said: "It is not important to notice these facts; they illustrate the character of Mr. Fulton. They show what embarrassments are to be expected by those who introduce improvements in the arts which interfere with established interests or prejudices; and they evince the perseverance and resolution which were necessary to surmount the physical and moral difficulties which Mr. Fulton encountered. Sneered at by his own countrymen, called knave, fool and enthusiast, yet he bravely lived all opposition down."



103.—The *Walk-in-the-Water,* first steamboat on the Great Lakes. Built near Buffalo in 1818, under license from the Fulton-Livingston Company. From a drawing made for use on the bills-of-lading printed for the boat, and reproduced in Hurlbut's monograph.

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[1] Reigart.

The *Clermont* prospered in spite of all jealousies.[1] During the remainder of the year 1807 she continued to be run as a passenger boat, always crowded with enthusiastic voyagers eager to avail themselves of the wonderful new system of conveyance, who paid scant heed to her slow speed and occasional breakdowns. In the winter of 1807-1808 the boat was rebuilt and in the succeeding spring resumed her popular career. Tales of her existence and exploits on the Hudson were published and commented upon in all the newspapers of the country, and the inhabitants of every section where navigable rivers were the chief arteries of travel displayed an anxiety to acquire a similar means of locomotion. Within a short time the recognized necessity of steam as an indispensable motive power in transportation assumed all the quality of an immemorial axiom. A clamor for steamboats arose, and the people could not understand how they had ever got along without them.

Nevertheless there was a delay of more than sixteen years before the use of steam propulsion became widely prevalent, and the underlying reason for that halt on the way toward further progress is to be found, most singularly, in the circumstances leading to the appearance of the *Clermont*.

Fulton's first boat, however suddenly and unexpectedly it seemed to the public to drop from the realms of unreality into the knowledge and use of men, was not the creation of a day or a year. It was, on the contrary—and perhaps to a greater degree than any other similarly epoch-opening device—the product of many minds and of a long series of strange and devious circumstances.

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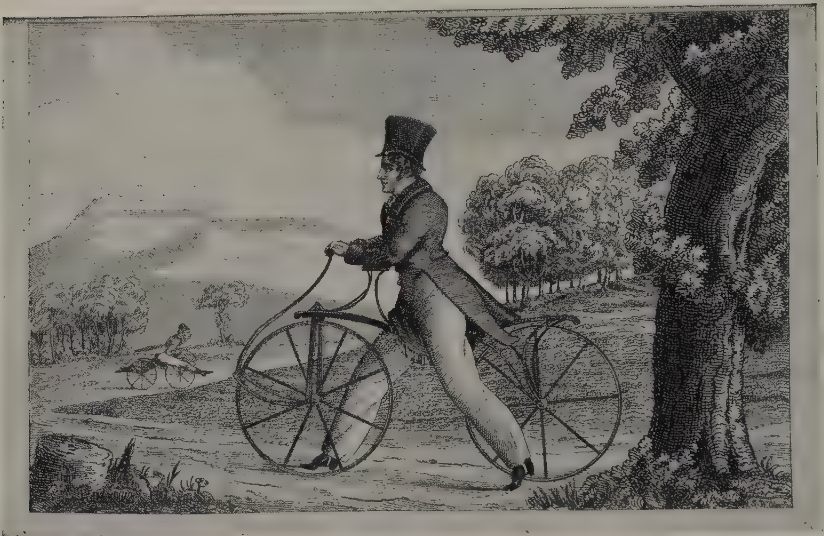
[1] After a number of attempts had been made to disable her the paddle-wheels were enclosed and protected by heavy timbers. The hostility shown toward the vessel by river boatmen was proof of the popular endorsement given to the craft, rather than otherwise.



104.—The first form of the bicycle, introduced from Europe, was contemporary with Fulton's steamboats in the East. The contrivance merely sustained the weight of the body, and progress was made by pushing the ground with the feet. It was variously called the Velocipede, Accelerator, Draisena, Hobby Horse and Dandy Carriage. Baltimore was the American center for its manufacture, and a specimen, made of wrought iron and hardwood, cost $30. By 1819 the use of the velocipede had spread as far west as Louisville.

At least sixteen steamboats had been built in America before the launching of the *Clermont*, fifteen of which had previously been operated under their own power by the eight different men who had designed them. Nor were Americans first in the field. A list in chronological order of some of the early experiments follows:

The first known contemporary evidence showing the application of steam power to water craft as a means of propulsion is to be found in connection with Denis Papin, a French scientist and engineer, who invented and built a steamboat while residing in the principality of Hesse, in Germany, in the year 1707. His demonstration of steam navigation having brought abuse upon him, he embarked on his vessel in an effort to proceed in it to London. With this object he started down the River Fulda, but at the town of Munden the boatmen of the river attacked him and destroyed his boat. He escaped with his life, and never, so far as is known, repeated his undertaking.

In 1736 an Englishman named Jonathan Hulls took out a patent for a stern-wheeled steamboat, and during the following year published in London a book describing the invention, the frontispiece of which is a picture of his steamboat engaged in towing a sailing vessel. An English investigator[1] of the subject affirms that Hulls' boat was built and used, but Preble[2] comes to a contrary conclusion.

M. de Jouffroy, of France, began experimenting in 1778, and in 1781 built a steamboat 140 feet long. In 1783 it ran under its own power with paddle-wheels, and a committee of the French Academy of Science made a favorable report regarding it. Jouffroy demanded a patent, but left France on the outbreak of the Revolution, and on his return found a patent for a similar boat had been awarded to another man.

1786.—John Fitch operated on the Delaware River, at Philadelphia, the first steamboat to move in American waters. It was propelled by an endless chain of paddles.

1787.—Fitch ran his second boat on the Delaware in August, with the system of upright paddles at the sides.

1787.—Rumsey, in December, moved a boat by drawing a stream of water in at the bow and ejecting it at the stern.

1788.—Fitch finished his third boat and in it made a twenty-mile voyage from Philadelphia to Burlington. This same boat afterward ran regularly as a passenger packet on the Delaware in 1790, covering a thousand miles or more. Its best speed was eight miles an hour.

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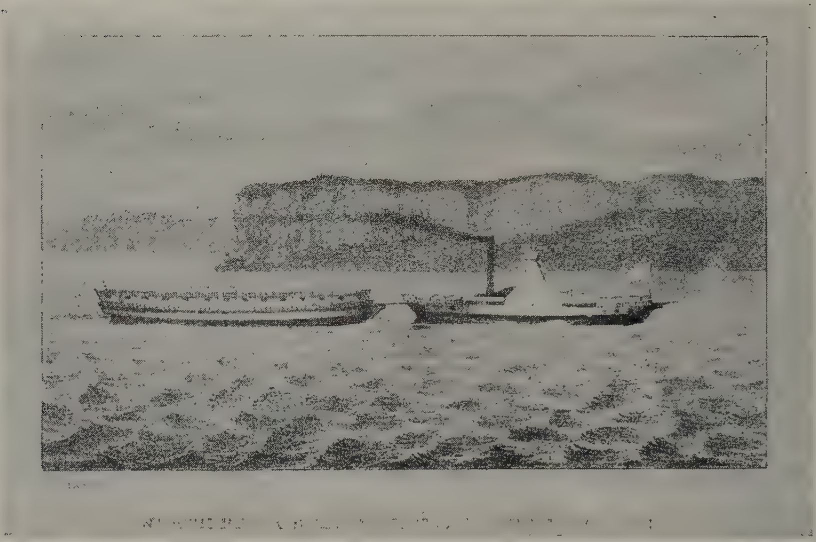
[1] Russell, in the "Encyclopedia Britannica."

[2] Rear-Admiral George Henry Preble, U. S. N., published in 1883 "A Chronological History of the Origin and Development of Steam Navigation."

In 1788 three Scotchmen named Patrick Millar, James Taylor and William Symington jointly built and operated a steamboat on the Lake of Dalswinton. It was moved by a paddle-wheel placed in the center of the boat, and ran at the rate of five miles an hour.



105.—A Hudson River passenger barge of 1825. Owing to the numerous explosions due to carelessness on early steamboats many people hesitated to use them, and some companies resorted to the expedient of towing travellers on separate vessels, so they would be in less danger of death or injury if the boilers blew up. This and the illustrations to No. 114, inclusive, deal with steamboats and steamboat travel in the East.

In 1789 the same men equipped a boat sixty feet long with an engine whose cylinders were of 18 inches diameter, and ran it on the Forth and Clyde Canal at the rate of about seven miles an hour. The contemporary Edinburgh newspapers contained information respecting it.

1790.—William Longstreet of New Jersey, then living in Georgia, built a boat that ran against the current of the Savannah River at the rate of five miles an hour.[1]

1792.—Elijah Ormsbee of Connecticut, then residing in Rhode Island, invented and constructed a steamboat propelled by side paddles moving back and forth like a duck's feet. In it he went from a point near Cranston to Providence; thence to Pawtucket and back to Providence again. Ormsbee's boat made from three to four miles an hour, and he used it for several weeks. No one being interested in it, the machinery was taken out of the boat and given to David Wilkinson, of Pawtucket, another mechanic who had made Ormsbee's castings for him.[2] Ormsbee constructed most of his own machinery and understood the principle of paddle-wheels. His use of side paddles was due to the cheapness of the mechanism for that means of propulsion and his lack of money.

1793 or 1794.—Samuel Morey of New Hampshire, then living in Connecticut, who began his experiments in the year 1790, built a paddle-wheel steamboat on the Connecticut River in 1794 and ran the vessel from Hartford to New York City at the rate of five miles an hour.[3] Morey placed his paddle-wheel at the stern of the boat, in the manner afterward adopted for many steamboats on western waters and some rivers of the East. Mann, in his account of Morey's work, indicates a lack of knowledge of earlier inventors, for he says Morey's vessel was "so far as is known, the first steamboat ever seen on the waters of America."

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[1] Preble's "Chronological History of Steam Navigation," p. 23.

[2] Dow's "History of Steam Navigation between Providence and New York."—Files of the Transactions of the Society for the Encouragement of Domestic Industry. Preble: p. 27.

[3] Preble: Mann's "Account of Morey's Steamboat" (1864).—The Patent Office records show that Morey took out several patents for steamboats.

The English Earl of Stanhope, in 1793, after three years of experiments, built a steamboat with side paddles like duck's feet on the same principle used by Ormsbee of Connecticut in 1792. Stanhope obtained for his vessel a speed of three miles an hour.

In the same year of 1793 John Smith, of England, ran a steamboat on the Bridgewater Canal from Runcorn to Manchester, at the rate of two miles an hour. The craft had side paddle-wheels.

Still another steamboat was operated on the Sankey Canal in Lancashire, England, in 1797. It was equipped with side oars like those used by Fitch in his second boat. The *Monthly Magazine,* an English periodical of the time, spoke of the boat in its issue for July of 1797, and said: "This ingenious discovery . . . may be ranked amongst the most useful of modern inventions, and in particular promises the highest benefits to inland navigation."

1796 or 1797.—Fitch built and ran his screw propeller boat on Collect Pond in New York City.

1797.—Morey built a side-wheel steamboat at Bordentown, near Philadelphia, on the Delaware River. He afterward ran the boat to Philadelphia and showed it there. In a letter written in the year 1818[1] Morey described this craft as follows: "In June, 1797, I went to Bordentown, on the Delaware, and there constructed a steamboat, and devised the plan of propelling by means of wheels, one on each side. The shafts ran across the boat with a crank in the middle, worked from the beam of the engine with a shackle bar . . . I took out patents for my improvements. . . ."[1]

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[1] To William A. Duer, who had a celebrated controversy with Cadwallader Colden over the question of early steamboats.

1798.—Robert R. Livingston, commonly known in history as Chancellor Livingston, built a boat on the Hudson River,[2] and by the legislature of New York was granted exclusive privileges "of navigating all boats that might be propelled by steam on all the waters within the territory, or jurisdiction, of the State for the term of twenty years, provided he should, within a twelvemonth, build such a boat, the mean of whose progress should not be less than four miles an hour." This grant was offered to Livingston in March of 1798, and was a transference of the right previously conferred on Fitch and now taken away because he had not availed himself of the monopoly given to him eleven years before. In October of 1798 Livingston's boat made a trip during which its speed was about three miles an hour. The Spanish Minister to the United States was on board at the time.[3] Since four miles an hour was not attained by the vessel before March of 1799, the State's proffer of exclusive privileges did not then become effective. Livingston's boat was variously moved on different trips by upright side paddles, endless chains of paddles, and by two stern wheels that were not upright, but apparently revolved horizontally on the same plane and in opposite directions. Probably each blade was hinged in order that it might fold up when returning toward the bow of the boat.

Hunter and Dickinson, of England, ran a steamboat on the Thames River in 1801. In discussing their boat the *Monthly Magazine* spoke of its performance as "very creditable to them, and as exceeding everything before accomplished." It also said "the vessel was moved at the rate of three miles an hour through the water."

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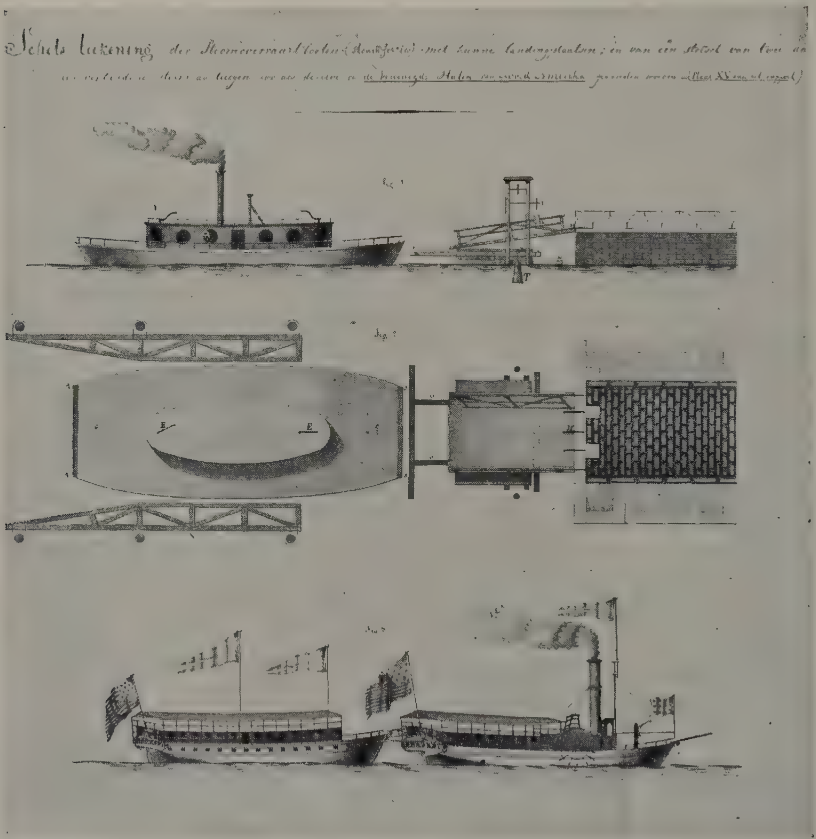
[1] Preble: p. 30.

[2] So many steamboats had by this time been operated in America that Jedediah Morse, the early geographer, took note of them and said in the edition of his "Gazetteer," published in 1797, that "it is probable steamboats will be found of infinite service in all our extensive river navigation."

[3] Spain seems to have kept a constant eye on early steamboats.

In 1802 William Symington, acting alone, built a steamboat on the Forth and Clyde Canal and ran it at



106.—New York steam ferry boat, ferry dock, Hudson River steamboat and passenger barge of 1825. A water-color sketch by the Dutch civil engineer Tromp, drawn to accompany an account of American transportation facilities written by him in 1825 as a result of his investigations during that year.

the rate of between three and four miles an hour while towing two other loaded boats, each of seventy tons burden. Without a tow the craft ran at six miles an hour. Symington's boat was the *Charlotte Dundas,* constructed at a cost of about $15,000. It was his intention to place her paddle-wheels at the sides, but for fear the wash of the water would injure the banks of the canal, the revolving paddles were put at the stern.

1802.—John Stevens, of Hoboken, New Jersey, who had been actively interested in the subject of steam navigation since 1791,[1] built a steamboat moved by a four-bladed screw propeller. He also used a high pressure multitubular boiler, and all his machinery was of his own design and manufacture. Stevens ran his boat in the waters around New York during the summer. Its speed was about four miles an hour.[2]

1803.—Stevens built a new engine of a different type, but also with a screw propeller, and ran his boat in the neighborhood of New York City as during the previous year.[3]

1804.—Oliver Evans, an early American inventor and engineer, built and operated a steamboat at Philadelphia. It was designed for use as a dredge, and was propelled by a paddle-wheel at the stern. In order to show that land vehicles as well as water craft could be moved by steam power Evans put wheels on his boat and ran it by steam through the city from Center Square to the Schuylkill River at Market Street. There, after its land wheels had been taken off and the paddle-wheel adjusted, it entered the water, steamed down the Schuylkill to the Delaware and up the last named river to Philadelphia again, passing numerous other vessels on the way. It then entered on its work as a steamboat dredge.

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[1] Several of the early American inventors turned their attention to steam propulsion because of Fitch's boat and began their work in 1790 or 1791. Preble says of Stevens (p. 41, note): "In 1787 he became interested in steamboats, from seeing that of John Fitch."

[2] "Medical and Philosophical Journal," Jan., 1812.—Latrobe's "Lost Chapter."—Francis B. Stevens' "The First Steam Screw Propeller Boats to Navigate the Waters of any Country."—Preble.

[3] Ibid.

107.—The *Champlaine,* finest steamboat up to 1835. Employed on the Hudson. After monopoly in steam transportation was overthrown by the Supreme Court various companies in the East built vessels of steadily increasing size and magnificence, the best of which appeared in the waters around New York, Boston, Providence and Philadelphia.

1804.—Stevens, of Hoboken, built and operated a small twin-screw steamboat. It was in use for some time between Hoboken and New York and had an ordinary speed of four miles an hour. For short distances it could attain about seven or eight miles an hour.[1] In 1844 the engine and propellers of this boat, as originally built, were placed in a similar hull and the craft was run on the Hudson River at eight miles an hour. The engine and propellers, together with the boilers, are still preserved in running order at the Stevens Institute in Hoboken, New Jersey.

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[1] James Renwick, in the "Historical Magazine," Vol. II, No. 8. Renwick was a professor at Columbia College, New York, and saw the boat.—Preble.—Stevens' "First Steam Screw Propellers."—Stuart's "Anecdotes of the Steam Engine." London, 1829.

1805.—Stevens built and ran a twin-screw steam propeller boat on the Hudson River. It was about fifty feet long, with a draft of four feet, and remained in use until some time in the year 1806.[1]

1806.—Stevens turned his attention to the side-wheel type of vessel and built the *Phoenix,* which was propelled in that manner. This boat was partly constructed when Fulton returned to America from England in 1806, prior to the commencement of the *Clermont.* Fulton's boat was first to take the water, being finished a few weeks ahead of the *Phoenix,* and Stevens' craft, debarred from New York state under a legislative monopoly granted to Livingston and Fulton, was run to Philadelphia and operated in that neighborhood.

Fulton had lived in Philadelphia from 1782 to 1786, during the last year or more of which time Fitch had been busy with his boat. There is nothing to indicate a knowledge of Fitch's work by Fulton until a later date. Fulton went to London in 1786, where he resided in the household of the American painter, Benjamin West, for several years, and devoted himself to a study of engineering. John Rumsey proceeded to England in May of 1788, and died in London on December 24, 1792.[2] Fulton knew of Rumsey's presence in England, went to see him there,[3] and discussed with him the subject of steamboats. It is not probable, in view of the controversy between Fitch and Rumsey, that Fulton could have talked about steam-

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[1] Stevens' "First Steam Screw Propellers."—Preble.

[2] Bache's "General Advertiser," Philadelphia, March 5, 1793.

[3] "A gentleman not many years ago had in his possession letters written by Rumsey in London, which mentioned his receiving frequent visits there from a young American studying engineering, who showed a sympathetic and intelligent interest in Rumsey's labors. This young man was Robert Fulton. . . ."—Preble: p. 12.

STEAM BOAT SWALLOW, PLYING ON THE RIVER HUDSON.

108.—The *Swallow,* also a fine and swift Hudson River boat of the fourth decade, whose construction and appearance reveal further progress toward the modern type of eastern river craft. She was afterward wrecked by striking a rock in the river. From a drawing made by the Scotch civil engineer David Stevenson, in 1837.

boats in London with the last named of his fellow Americans without also becoming informed of what Fitch had done. Yet it may have happened so.

The future builder of the *Clermont* continued in England and France until 1801, during which year Chancellor Livingston was appointed American Minister to the Court of Napoleon. In Paris Livingston formed an acquaintance with Fulton, and the American diplomat, who had already built a steamboat, at once entered on close personal association with the young civil engineer, out of which the *Clermont* grew, and which was only to be broken by Fulton's death. Both men were interested in the use of steam for the purposes of transportation, and Livingston urged his young friend to pursue the matter. In the words of another biographer of Fulton,[1]

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[1] Cadwallader D. Colden, in his "Life of Robert Fulton": pp. 148-149. Taken by Colden from a statement made by Livingston at a later date.

"he [Livingston] communicated to Mr. Fulton the importance of steamboats to their own country; informed him of what had been attempted in America, and of his resolution to resume the pursuit on his return. and advised him to turn his attention to the subject."

The advice was unnecessary. Fulton had been watching the work of other men in steam navigation for some eight or nine years and had displayed an intelligent interest in Rumsey's labors as far back, at least, as the year 1792. During the year of 1793 he had also been in correspondence with Lord Stanhope, of England, regarding the building of steamboats. About the year 1802 Fulton, in giving consideration to the question of propulsion, "thought of paddles and duck's feet, abandoning which, he took up the idea of using endless chains with resisting boards upon them as propellers, his calculations giving him a favorable opinion of the mode; at least, he was persuaded it was greatly preferable to any other method that had been previously tried."[1] While still in England, and in 1799, Fulton had also become acquainted with Cartwright, inventor of the power loom, and by him had been given the plan or model of a steamboat made by the Englishman about the year 1787.[2]

In reciting to Fulton what had been accomplished in America previous to the commencement of their acquaintance in Paris, Livingston might well have gone much further than merely to recount the list of steam-propelled boats above set forth. For in his own work of steamboat building the Chancellor had been associated with John Stevens, of Hoboken, and with Nicholas J. Roosevelt, of

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[1] Colden's Biography of Fulton.
An endless chain of paddles was the first propelling system tried by Fitch and almost at once discarded. Stanhope had used the duck's-feet paddles.

[2] Fulton was afterward accused of selling, as his own, another invention of Cartwright's —a cordage-laying machine. The details of this controversy are contained in Thornton's "Short Account of the Origin of Steam Boats": pp. 17-18.

New York, and the three men had long been at courteous odds over the proposed details of their vessel. The Chancellor, though a very able man, was a bit stubborn in his opinions and somewhat intolerant of opposition. He preferred to have his own way. The trait in question had been shown in connection with the boat built by him and his two colleagues and operated in 1798 at a speed of about three miles an hour. Its speed not having been satisfactory, Roosevelt had proposed the use of side paddle-wheels, and on September 6th of the same year had written to Livingston as follows:

"I would recommend that we throw two wheels of

Group on Deck.

109.—Travellers on a Hudson River steamboat. As suggested by the attitude and apparel of the three men in the background, the costumes worn by the other group were becoming obsolete. The object on the bench is a traveller's bag called the "carpet-sack." It was made of carpet, and often showed a combination of colors such as red, green, brown, blue and yellow. From it the modern hand-bag and suit-case have been evolved.

wood over the sides, fastened to the axes of the flys with eight arms or paddles; that part which enters the water of sheet iron to shift according to the power they require either deeper in the water, or otherwise, and that we navigate the vessel with these . . ."[1]

The Chancellor sent no reply to the suggestion for upright side paddle-wheels, so Roosevelt wrote to him again on the same subject under date of September 16th, saying: "I hope to hear your opinion of throwing wheels over the sides." To this Livingston made answer: "I say nothing on the subject of wheels over the sides, as I am perfectly convinced from a variety of experiments of the superiority of those we have adopted."[2]

On October 21st Roosevelt again returned to the subject, urging a trial of Livingston's wheels,[3] "contrasted with paddles on Mr. Stevens' plan, or with wheels over the sides, so as to ascertain the difference in the application of the power." The Chancellor finally laid down his ultimatum on October 28th, 1798, in a letter to Roosevelt characterizing Stevens' paddles as "too inconvenient and liable to accidents," and in which he also said, "as for vertical wheels, they are out of the question."[4]

Livingston's activity in keeping himself abreast of American steamboat building before he went to France is illustrated by his personal inspection of Morey's boat in 1793 or 1794, when he travelled on the craft from New York back to Greenwich.[5] John Stevens was also a passenger during the same trip. It is difficult to understand the Chancellor's later prejudice against paddle-wheels under the circumstances, for Morey's vessel had been propelled by a stern wheel and had made five miles an hour. Nevertheless his influence on Fulton must have been strong, for Fulton, until as late a date as the fall of 1802, still clung to side oars as the best method of propulsion for a steamboat. On September 20th, 1802, the future builder of the *Clermont* wrote to a friend on the subject,[1] and in his letter he said: ". . . if the author of the model wishes to be assured of the merits of his invention before he goes to the expense of a patent I advise him to make a model of a boat, in which he can place a clock spring which will give about eight revolutions; he can then combine the movements so as to try oars, paddles, and the leaves [the duck's-feet system] which he proposes. . . . About eight years ago the Earl of Stanhope tried an experiment on similar leaves in Greenland Dock, London, but without success. I have also tried experiments on similar leaves, wheels, oars, paddles, and flyers similar to those of a smoke jack, and found oars to be the best."

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[1] Latrobe's "Lost Chapter": pp. 18-19.
[2] Ibid: p. 19.
[3] Which revolved on a horizontal plane, instead of vertically.
[4] Latrobe's "Lost Chapter": pp. 19-20.
[5] Preble: p. 29.

Just as Fulton had known of Rumsey's presence in London, he was also aware that Fitch had proceeded to Paris in 1793 with the intention of building steamboats there in association with Aaron Vail, American consul at L'Orient. Possibly the incident was one of those things told to him by Minister Livingston as part of the narrative concerning what had been done in America. Livingston had visited Vail and had discussed Fitch's boat with him.[2] At any rate Fulton went to see Vail, and from him borrowed Fitch's plans and drawings, which he kept for several months.[3] The fact that Fitch's steamboat had been the only one in extensive public use up to that time, and a knowledge of its propulsion by side oars and later by stern paddles, together with a study of the earlier inventor's own plans, may have been factors impelling Fulton toward oars as the best propelling power despite Roosevelt's advocacy of side wheels and Livingston's voyage on a paddle-wheel boat. But whatever the cause may have been, Fulton did not, until late in 1802 or early in 1803, devote serious attention to the revolving side paddles previously twice used in America by Morey, also urged by the Americans, Reed and Roosevelt, and used in Europe by the Frenchman Jouffroy, the Scotchmen Millar, Taylor and Symington, and the Englishman Smith.

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[1] See Preble, p. 35: the friend was Fulwar Skipwith, an American consul general in France.

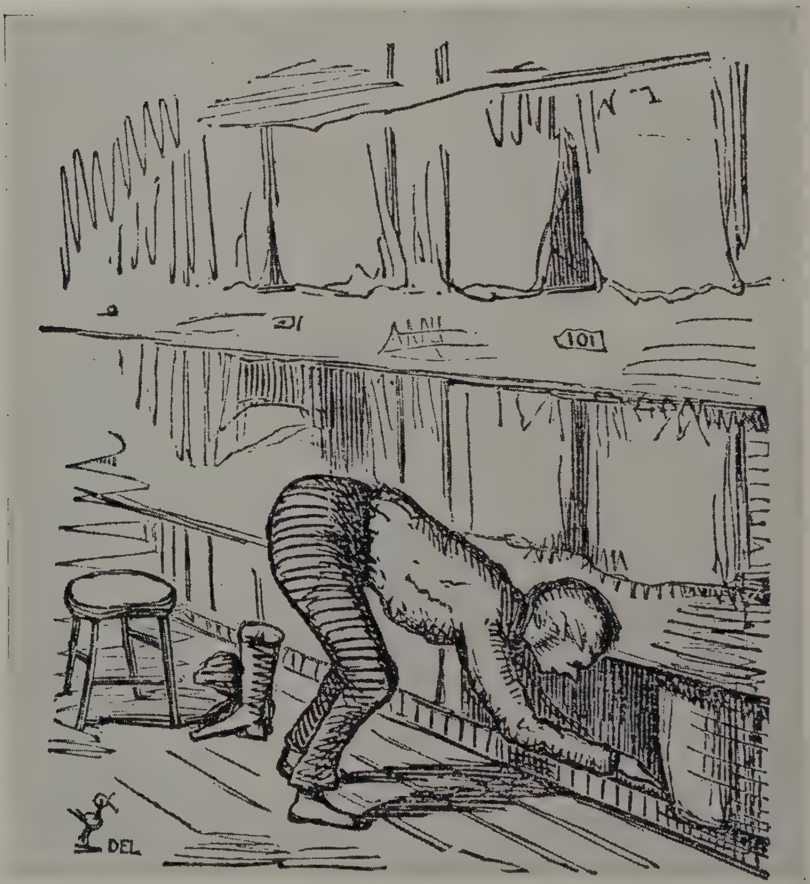
[2] Duer's second letter to Colden, 1818.

[3] Preble; Thornton; Duer; etc., etc. For Vail's relation of the matter see Cutting's letter to Ferdinando Fairfax, printed in Thornton's "Short Account."

In the year 1803 Fulton built a steamboat on the Seine at Paris. Owing to miscalculations in its construction the machinery overweighted the hull, broke through the bottom of it and sunk the vessel.[1] A new boat, sixty-six feet long and eight feet wide, was then constructed, but when tried in August of 1804 she moved too slowly to be of value. Fulton thereupon paid a visit to Symington of Scotland,[2] who had built the stern-wheel steamboat *Charlotte Dundas* and run her at six miles an hour. "In compliance with Mr. Fulton's earnest request," says Symington, "I caused the engine fire to be lighted up, and in a short time thereafter put the steamboat in motion, and carried him from Lock 16, where the boat then lay, four miles west in the canal, and returned to the place of starting, in one hour and twenty minutes, to the great

[1] "On the very day that this misfortune happened he commenced repairing it. He did not sit idly down to repine at misfortune which his manly exertions might remedy, or waste in fruitless lamentations a moment of that time in which the accident might be repaired. Without returning to his lodgings, he immediately began to labour with his own hands to raise the boat, and worked twenty-four hours incessantly, without allowing himself rest or taking refreshment—an imprudence which, as he always supposed, had a permanent bad effect on his constitution, and to which he imputed much of his subsequent bad health."—Reigart's "Life of Fulton."

[2] Woodcroft's "Progress of Steam Navigation." London, 1848.



110.—Going to bed in the men's cabin of a big eastern steamboat. The sleeping-bunk idea of the earlier river barges had been appropriated by all later water craft designed for passenger traffic. Ladders or other climbing aids were only required for the topmost tier of bunks.

astonishment of Mr. Fulton and several gentlemen, who at our outset chanced to come on board."[1] Fulton also took drawings of the machinery used to operate the *Charlotte Dundas.*[2]

After this actual ride on a steamboat Fulton was greatly encouraged, and returned to his task with a personal knowledge that the work whereon he was then engaged could be brought to a successful conclusion. Previous to that time he had been compelled to depend on hearsay information from Livingston regarding what other men had done, coupled with his study of Fitch's drawings. Such information was now supplanted by a certainty born of personal experience. The occasional doubt or skepticism manifested by some of his fellow-countrymen after he had returned to New York and was busy in superintending the building of the hull of the *Clermont* was ignored by Fulton, for he knew steamboats could be constructed and operated.

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[1] Preble: p. 36.
[2] Woodcroft.

The unfortunate experience of 1803, when his own engine had sunk a boat on the Seine, together with the failure of the same machinery in 1804 had, in the meantime, made him realize the necessity of securing competent help in constructing the essential parts of a steamboat. Under date of November 3, 1803, he had written a letter to Messrs. Boulton and Watt, the ablest machinery builders of England, indicating his desire to have them make him what he required.[1] In it he stated:

> . . . "I have not confidence in any other engines, and hope you will be so good as to give me the necessary information on the boiler and other parts so as to produce the best effect. . . ."

He already desired to return to America and build a steamboat. But as England then forbade the exportation of machinery to any other country without express permission of the Privy Council in each instance, and as he could not build his own engine and had no confidence in any but such as were made by Boulton and Watt, he

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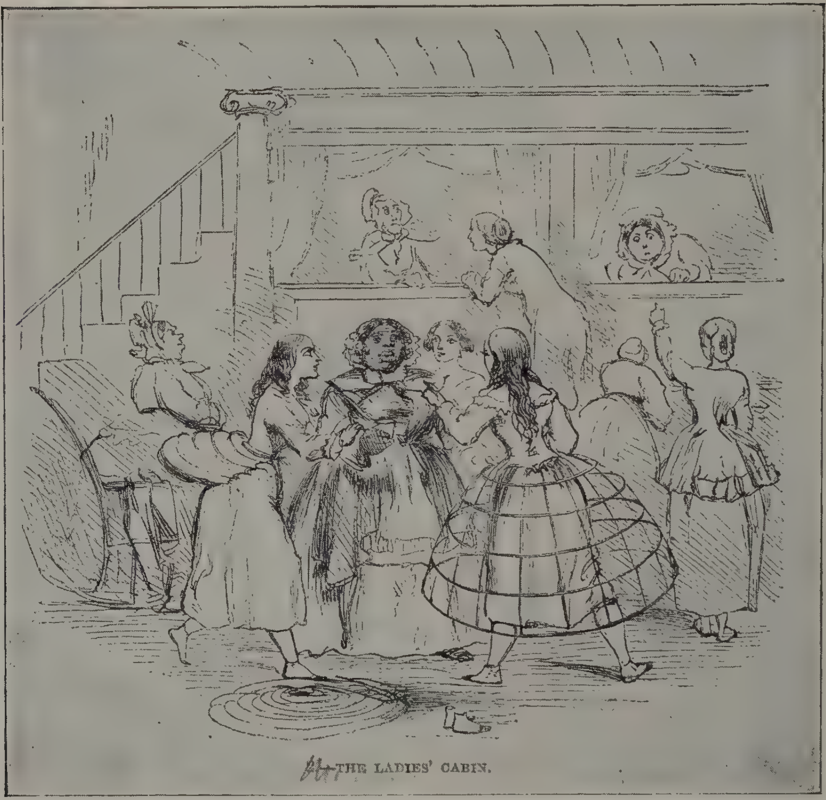
[1] The original letter is now in the New York City Public Library, Department of Manuscripts.


THE LADIES' CABIN.

111.—Substantially similar arrangements prevailed in the women's cabin, which, however, commonly had but two rows of berths.

sought the aid of America's diplomatic representative in Great Britain. The United States Minister to the Court of St. James at the time was James Monroe, and to him Fulton wrote on November 6, 1803, as follows:[1]

> "You have perhaps heard of the success of my experiment for navigating boats by steam engines and you will feel the importance of establishing such boats on the Mississippi and other rivers of the United States as soon as possible. With this View I have written to Messrs. Boulton Watt & Co. of Birmingham to forward me a Steam engine to America. . . .

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[1] The original is in the New York City Library.

> "Your desire to see useful improvements Introduced or created in our country is the strongest reason for your urging the permission and accepting of no refusal. The fact is I cannot establish the boat without the engine. The question then is Shall we or shall we not have such boats."

Reasons of diplomacy made Monroe unable to ask for an engine at the time, and he so informed his fellow American in Paris. In reply to the Minister's letter Fulton wrote again on March 4 ,1804:[1]

> "I received your letter mentioning that particular reasons prevented your applying at present for permission to ship a Steam engine to New York. . . . As the Steam Engine is really designed for a Steam Boat and has no connexion with any of my other mechanical Experiments, and as the Establishment of Steam boats is of immense importance to our country the British Government must have little friendship or even civility toward America if they refuse such a request. . . .
>
> "Independent of the private interest which I have in establishing steam boats, I consider them of such infinite use in America, and feel so sensible of the Activity and perseverance which is necessary to make the first establishment and secure success, that I should feel a culpable neglect toward my country if I relaxed for a moment in pursuing every necessary measure for carrying it into effect. I hope Sir you will be governed by equal patriotism and not accept a slight refusal. . . . The government has permitted engines to be sent to France and Holland before the war and do now permit them to go to Russia they surely then, can have no objection to let one go to a neutral and unoffending country like the United States. . . . I plead this not for myself alone but for our country. . . ."

Such were the preliminary links in the long chain of events that finally resulted in the general introduction of steam transportation. Fulton did not himself build either the machinery or hull of his first boat or devise the system used for its propulsion. After his mishap of 1803 he abandoned the effort to create the ingredients which differentiate a steam-propelled craft from a sailing vessel. Instead of persisting in the endeavor to solve the problem—with drawings of Fitch's eight-mile-an-hour engine and Symington's machinery to aid him—he turned to Boulton and Watt for the necessary information on the boiler and other parts so as to produce the best effect. His statement that patriotism was one motive for the undertaking was of course genuine, as Fitch's identical utterances of years before had been, but the activity and perseverance necessary to secure success, and his pursuance of every necessary measure consisted, after the attempt of 1803-1804, in asking a second person to secure from another government the work of a third person without which he said he could do nothing more to advance his project.

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[1] Fulton's original is in the New York City Library.

England finally permitted him to obtain the mechanical appliances he required, and they were shipped to New York. Fulton returned to America, where, after

STEAM CATAMARAN - H. W. LONGFELLOW.

112.—A few steamboats built on the catamaran principle were used in the East, but never with success. The old double-canoe idea did not prove useful when applied to steam navigation.

inspecting a model of Morey's steamboat and holding three interviews with its inventor,[1] he commenced the construction of the *Clermont.* The hull was built by Charles Brown, a ship builder of New York, under the supervision of Fulton himself, aided by a young mechanic named Stoudinger, who had been employed and trained by Nicholas Roosevelt, and who became Fulton's right-hand man. The Boulton and Watt machinery was duly put in place. It propelled the boat up the river on her first trip and during the remainder of her career.

Immediately after the first trip of his vessel to Albany, Fulton wrote several letters about the voyage. In one addressed to his friend, Joel Barlow, he said: "The power of propelling boats by steam is now fully proved. The morning I left New York there were not thirty persons who believed that the boat would ever move one mile an hour or be of the least utility; and while we were passing off from the wharf, which was crowded with spectators, I heard a number of sarcastic remarks. This is the way in which ignorant men compliment what they call philosophers and projectors. Although the prospect of personal emolument has been some inducement to me, yet I feel infinitely more pleasure in reflecting on the immense advantage my country will derive from the invention."[2]

The *Clermont,* as she appeared before being rebuilt, was somewhat ungainly of aspect. Her boiler was set in masonry and all the machinery was exposed to view. A very small distance at bow and stern was decked over. The smokestack was thirty feet high, and out of its top roared flames and sparks from the dry white pine used as fuel. The engine groaned in its labors, and a man with a pot of molten lead was constantly running about to stop up leaks from which steam escaped. The rudder had so little power as to be almost useless. During the winter following her first appearance the hull was lengthened, new steering apparatus installed, the deck was extended from stem to stern and two cabins were built below for the accommodation of passengers. Around the walls of the cabins were upper and lower sleeping berths, as in the keel boats of the previous generation. The whole extent of woodwork was then painted in various bright colors, and in her new guise the boat was quite the most imposing conveyance for public travel ever yet seen in the world.

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[1] Preble: p. 30. Whether Fulton examined a model of Morey's stern-wheeler or of his later side-wheel boat is uncertain.

[2] Colden's "Life of Fulton": p. 176.

CHAPTER XX

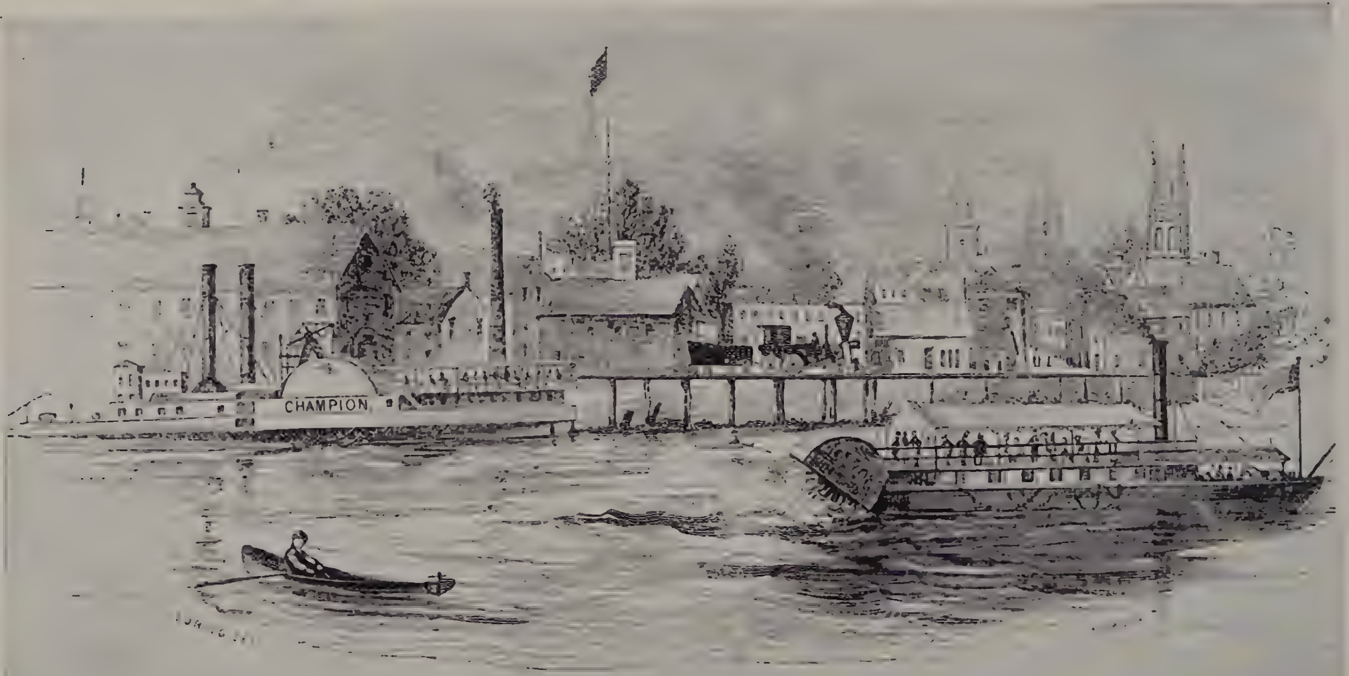
DELAY IN THE INTRODUCTION OF STEAMBOATS — ITS CAUSE — A LOST OPPORTUNITY — FITCH'S RIGHTS IN NEW YORK TRANSFERRED TO FULTON AND LIVINGSTON — THEY PLAN A GENERAL MONOPOLY — THE COURTS CLASS STEAMBOATS, ALONG WITH INFECTED GOODS, AS THINGS WHOSE ENTRY INTO THE STATE MAY BE FORBIDDEN — COMPETITION APPEARS — NEW YORK'S LEGISLATURE AUTHORIZES FULTON TO SEIZE COMPETING BOATS — IT ALSO PROVIDES THAT THEIR OWNERS MAY BE PUT IN PRISON — FIRST STEAMBOAT ON THE OHIO AND MISSISSIPPI — ATTITUDE OF THE PEOPLE AS THEY BEHELD IT — WHAT HAPPENED AT LOUISVILLE

THE first trip of the *Clermont* was a memorable event in economic history. It was not invested with that quality by any radical difference between it and what had been done before, for there was no such difference, but by the popular comprehension of its significance. An awakened public at last admitted the relation of steam to the coming years. With that acknowledgment the old order of things passed, and the world of to-day was born.

We have traced the origin of the application of steam power to transportation in America, observed the attitude of the people toward steamboats during a period of about twenty-two years, and seen the close kinship borne by those early boats to one another. It is now appropriate to consider the delay which intervened between Fulton's first undertaking and the general use of steamboats, together with the relationship between that delay and the long chain of circumstances resulting in the *Clermont's* creation. The connection was direct, and reveals the mental horizon of the generations that lived before modern conditions were imagined. If we of to-day feel astonishment because the leaders of a century ago were in large degree blind to mankind's impending development, it is only necessary to remember the laughter which, a few years since, greeted any prediction that men would soon arise from the earth and fly through the air with wings of their own manufacture.

A foresight of the future is possessed only by those who are indeed great—and by few of them. The average man gives thought to the relationship between his individual affairs and the approaching years, but under ordinary circumstances the distant necessities of human society are likely to be, in his estimation, a bugaboo. He does not sufficiently consider that the coming men must build on a foundation which he and his contemporaries are laying day by day, and that if his work is faulty then the structure it must uphold will be insecure or inadequate. Deliberate and intelligent national preparation for the economic needs of the future—especially in a country rich in natural resources—is a process not to be expected unless those chosen to administer its affairs are brave, wise, far-seeing and unselfish men uninfluenced by sectional jealousies, and possessed of a strength having its roots in the widespread confidence and support of their fellows and a slowly evolved popular appreciation of social duty.

When Fitch conceived the idea of carrying people by steam power he went to the central governing body of



VIEW OF THE CITY OF HARTFORD, CONN, FROM THE RIVER—SHOWING AN OLD-FASHIONED STEAMBOAT.

113.—The *Holyoke*, a primitive, stern-wheel steamboat of the Connecticut River, which survived into the days of the large, walking-beam, side-wheel vessels and the railway.

all the states and offered it to them. He saw its scope and effect, and suggested appropriate national action. No nation had before—or has since—been placed in a position to obtain a public utility of such importance for the untrammeled use of its inhabitants. Those results which would have followed if the government had acquired the inventor's system of transportation in behalf of the people may readily be imagined. It could have been obtained on whatever terms Congress might have chosen to make. Fitch asked nothing for himself. He said to the Congress of the Confederation in 1787: "I do not desire at this time to receive emoluments for my own private use, but to lay it out for the benefit of my country . . . . Congress might at a future day reward me further, according as they should see the utility of the scheme merited it . . . . I do not wish any premiums to make a monopoly to myself."[1]

Had Congress then acted, the chief aid to national economic progress would not have become a subject of monopoly and legal controversy for nearly forty years, as was destined to be the case. But the Federal legislature was then a body with scarcely a vestige of authority, reduced to that status by the conflicting desires, antagonisms and other like attitudes of the states represented in its membership. Each commonwealth, imbued with a greater or less degree of jealousy toward its neighbors and a feeling of separate sovereignty, was blinded to the interdependence and close relation destined to subsist between them. Even the framing of a common political programme was exceedingly difficult of accomplishment, and harmonious action for the best interests of all in those social and economic matters which are superior to state lines was still more so. In fact, the idea of an economic and social nationality was to all intents and purposes overwhelmed by political considerations. The real basis of lasting and beneficial union was at first subsidiary to its outward shell. A failure on the part of Congress to see the value of Fitch's plan was the first misfortune, and it was speedily followed by a second in the shape of the exclusive grants made by individual states.

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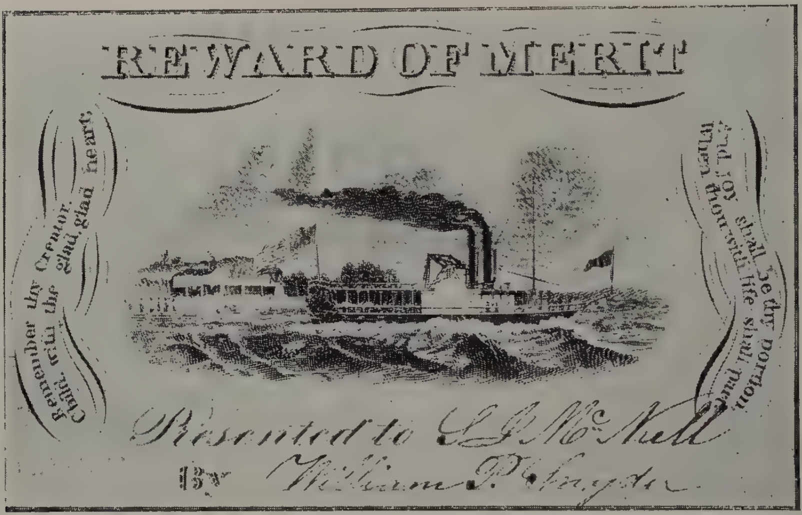
[1] His second petition to Congress.

New York's grant to Fitch, given in 1787, bestowed on him a monopoly of steam transportation on the waters of the state for fourteen years. In 1798, as has been seen, Fitch's privilege was cancelled by New York and transferred bodily to Livingston for twenty years, provided he ran a steamboat at four miles an hour within a twelvemonth. This he failed to do, and the grant of 1798 did not then become effective. But on April 5, 1803, the privilege of 1798 was revived by New York and again bestowed on Livingston for twenty years from the second passage of the law, provided a boat was run at four miles an hour within two years. Fulton was made a joint beneficiary under the act with Livingston. Nothing was done to secure the monopoly within the specified time, and the period allowed to them was extended until 1807. In that year the *Clermont* was completed and put in use.

The exclusive privilege held by Livingston and Fulton, then, was the act originally passed in Fitch's favor twenty years previously, and it was under the terms of the monopolistic grant that the *Clermont* was operated. The two men, just as Fitch had been, were given the power to seize any steamboat run by others without their license, and to collect a penalty for every trip so made. When the proposed legislation in Livingston's favor was introduced in the New York Assembly in 1798, its title was:

"An act repealing the act for granting and securing to John Fitch the sole right and advantage of making and employing the steamboat by him lately invented, and for other purposes." The other purposes were the transference of Fitch's privileges to the Chancellor.[1]



REWARD OF MERIT

Remember thy Creator,
Child, with the glad, glad heart;

And joy shall be thy portion,
When thou with life shall part.

Presented to L. J. McNell
By William P. Snyder

114.—In the pioneer days of mechanical transportation vehicles the "Rewards of Merit" bestowed on school children for diligence and good behavior were frequently embellished with pictures of steamboats and railroad trains, in order to give the pupils a better knowledge of the busy world outside. Their school books also showed such vehicles. See illustration No. 214.

Fulton's biographers, either through an ignorance of prior steamboat history or a tendency to magnify the work of the man whom they discussed, have omitted mention of various things relating to his connection with and study of steam vessels constructed by other men before he built the *Clermont.* They have phrased their accounts of his relation to the subject in such a way as to convey an impression that Fulton was the American inventor of steam propulsion, or at least of paddle-wheels. One of them,[1] in discussing New York's transfer of Fitch's monopoly to Livingston in 1798, says: "The Legislature, in March, 1798, passed an act vesting Mr. Livingston with the exclusive right and privilege of navigating all kinds of boats which might be propelled by the force of steam. . . ." He makes no mention of the main purpose of the law, to which the transfer was a sequel.[2] He also quotes the introducer of the bill[3] as saying: "The wags and the lawyers in the House were generally opposed to my bill. . . . One main ground of their objection was, that it was an idle and whimsical project, unworthy of legislative attention. . . ." The subject matter of the bill under discussion, as its title indicated, dealt with a law that had been on the statute books of the state for eleven years, and with a device publicly used eight years before the law was passed.

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[1] ". . . the same privilege granted to Chancellor Livingston by the act of 1798 was granted in April, 1803, to Messrs. Livingston and Fulton."—Judge Yates' opinion in the case of Livingston against Van Ingen; 9 "Johnson's Reports": p. 558.

The same biographer quotes Chancellor Livingston as saying:[4] "After trying a variety of experiments on a small scale, on models of his[5] own invention, it was understood that he had developed the true principles upon which steamboats should be built, and for the want of knowing which all previous experiments had failed. But as these two gentlemen both knew that many things which were apparently perfect when tried on a small scale, failed when reduced to practice upon a large one, they determined to go to the expense of building an operating boat upon the Seine. This was done in the year 1803, at their

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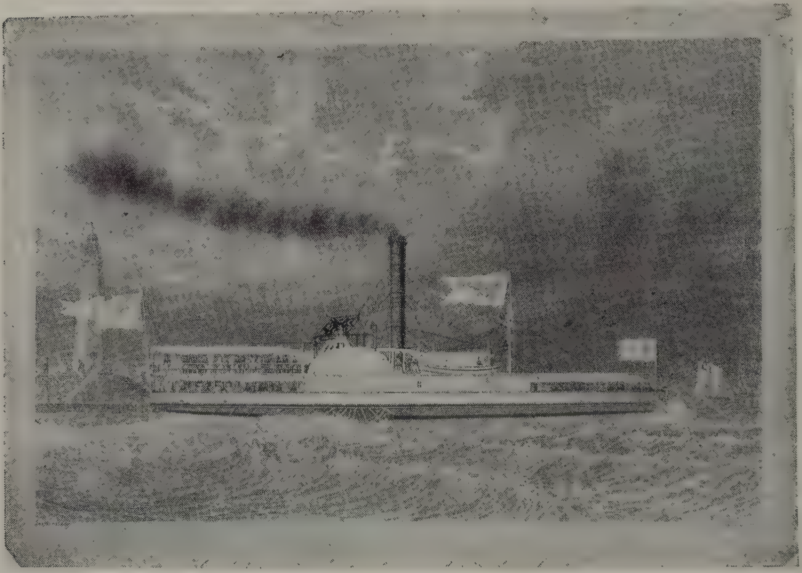
[1] Reigart.

[2] Nor does Colden, whose prior reference to the matter is contained in p. 145 of his "Life of Fulton." Reigart copied from Colden.

[3] Dr. Mitchell, of New York City, a friend of Livingston's.

[4] In Livingston's "Historical Account of the Application of Steam for the Propelling of Boats."

[5] Fulton's.



115.—The steamboat *Milwaukie,* one of the most pretentious vessels on the Great Lakes in 1838. Passing the lighthouse at Buffalo. Engraved by Bennett from a drawing by the artist J. C. Miller. This and the illustrations to No. 127, inclusive, relate to steamboats on western waters.

joint expense, under the direction of Mr. Fulton; and so fully evinced the justice of his principles that it was immediately determined to enrich their country by the valuable discovery as soon as they should meet there, and in the meantime to order an engine to be made in England. . . ."[1]

Chancellor Livingston did not clearly define the true principles and valuable discovery here mentioned. By some later commentators his language has been considered to refer to the use of paddle-wheels, but since both Livingston and Fulton had travelled on paddle-wheel steamboats several years before the *Clermont* was built, and since the Chancellor had considered Roosevelt's plan for paddle-wheels and rejected it as out of the question, the hypothesis falls unless those who advance it are willing to believe that Livingston sought to give his young associate a credit he did not deserve.

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[1] This was written by Livingston after the "Clermont" was built. Quoted by Colden at pp. 149-150 of the "Life."

For some reason regarding which no definite record seems to exist, Fulton and his colleague did not at once apply to the national government for a patent on the *Clermont,* although in those days one could be had for the asking. They relied for their protection, instead, on the terms of the old Fitch monopoly in New York state, and sought to enforce it against various other men, who began to build and operate steam craft after it became apparent that the boat of 1807 was a popular conveyance. But in 1809 a Federal patent was applied for and obtained. In relating the circumstances under which it was secured, the first biographer[1] of Fulton uses language which again conveys an impression that the builder of the *Clermont* was to be accredited as the inventor of a steam vessel of its description, and that Chancellor Livingston endorsed such a claim. He says: "They[2] entered into a contract by which it was, among other things, agreed that a patent should be taken out in the United States in Mr. Fulton's name, which Mr. Livingston well knew could not be done without Mr. Fulton taking an oath that the improvement was solely his."[3] The improvement meant was the use of paddle-wheels.

Two other boats, the *Raritan* and *Car of Neptune,* were begun by Fulton soon after the popular success of the *Clermont* was seen to be assured, and were later put into commission. Serious opposition to the monopoly in travel by steam power had developed by 1810, and in that year a rival company was formed in Albany to run steamboats on the Hudson River in spite of the state law. Fulton tried to fight this competition by the old Fitch grant rather than under his Federal patent, and applied to the proper New York legal tribunal for an injunction preventing the use of any other boats but his own. The application was refused on the ground that the state statute permitting monopoly in steam transportation was in conflict with national patent legislation and superseded by it. On appeal to a higher state court the decision against Fulton was reversed and he was left free to prove, by the merits of his case, that rival vessels should be permanently restrained from activity.

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[1] Cadwallader Colden.

[2] Meaning Livingston and Fulton.

[3] "Life": p. 147.

Up to the time in question Livingston and Fulton had been beneficiaries under four acts passed by the state in 1798, 1799, 1803 and 1807, all of which gave them exclusive rights to use steam power for water transportation. But in all those four enactments the monopoly was based on the language of the legislation of 1798, which said: ". . . privileges similar to those granted to the said John Fitch, in and by the before mentioned Act, be and they hereby are extended to the said Robert, for the term of twenty years. . . ." The forfeiture of competing boats, and penalties for their use, were thus asserted without any provision for enforcing the decree except such means as were afforded under ordinary process of law. So if Fulton had then sued a competitor, it might have been possible for his rival to have prolonged the litigation for years and to have kept the opposition boats in operation meanwhile, even if the decision had at last gone against him. This was not an agreeable situation for the owners of the *Clermont* and *Paragon* to contemplate, and so in 1811 they secured from the legislature a fifth law in which their right to demand forfeiture of any usurping steamboat was reaffirmed in more specific terms. By the grant of 1811 Livingston and Fulton were given the same remedy for the seizure of a rival craft as they would have possessed if the opposition boat had been wrongfully taken out of their possession. The law of 1811 further compelled the courts to grant an injunction forbidding the use of any competing steam vessel whenever Fulton should bring suit for forfeiture. And to cap the climax it made any rival owner liable to a fine of two thousand dollars and imprisonment for a

Dampfboot auf dem Mississippi.

116.—The Ohio and Mississippi River steamboat *Belvidere.* A picture used for years in England, Germany and elsewhere in Europe to illustrate the flimsy and dangerous construction of many western river boats. The *Belvidere* was built at the town of Portsmouth, Ohio, in 1825, escaped all dangers incident to her duties, and survived to the venerable age of six years before being worn out. The average life of an early western steamboat was about three or four years.

year if he operated a steamboat without Fulton's license and permission.

Drastic as this law was, it still did not serve entirely to suppress competition in steam transportation. The legislature could not make the statute of 1811 retroactive in its operation and so its new provisions had no effect against the steamboats already built by the Albany company for use on the Hudson River, or against a boat called the *Vermont,* then running on Lake Champlain. Courts and legislature were doing all they could to restrict the new travel method, but the public took a decided stand against monopoly and gave the bulk of its patronage to the independent line. Advocates of the free and unrestricted use of steam travel asserted that Fulton had not invented steamboats and therefore had no legal or moral right to their exclusive employment, while the Livingston-Fulton company and its supporters denounced the intruders as rogues, rascals and law-breaking ingrates.[1] Cadwallader Colden describes the situation of 1811 and its effect in the following words:[2]

> "The consequences which Messrs. Livingston and Fulton had anticipated from the establishment of the Albany boats were fully realized. There was a combination to break down Messrs. Livingston and Fulton, which it was obvious they could not resist. The owners of the Albany boats having their residence in this city, being intimately acquainted with all its inhabitants, and their influence extending to the remotest parts of the state, were enabled to divert almost all the passengers from the boats of Messrs. Livingston and Fulton. The Albany proprietors had not only their agents in every tavern in this city, but

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[1] Livingston wrote two pamphlets at this time in support of the monopoly enjoyed by Fulton and himself, and discussing the relationship of national patents to state rights. Their titles are:

"An inquiry into the effect that a patent might have upon the exclusive privileges granted by the state to Messrs. Livingston and Fulton." New York; n.d.

"The right of a state to grant exclusive privileges in roads, bridges, canals, navigable waters, etc., vindicated by a candid examination of the grant from the state of New York to, and contract with Robert R. Livingston and Robert Fulton, for the exclusive navigation of vessels by steam or fire, for a limited time, on the waters of said state, and within the jurisdiction thereof." New York, 1811.

[2] See "A Vindication by Cadwallader D. Colden, of the Steam Boat Right granted by the State of New York," etc., Albany, 1818; pp. 147-8.

> their emissaries on every road. These men made it their business, not only to seduce to the boats of their employers the persons who wanted a passage to New York, but to traduce Mr. Livingston and Mr. Fulton by the most wanton misrepresentations. Such an effect did this wicked industry produce, that the latter gentleman was looked upon by many who had hearkened to his calumniators as a vile impostor; and often have I listened with indignation to his calm and magnanimous recitals of the personal abuse and indignities he was daily accustomed to meet . . .
>
> "I was once myself a witness of the effects of these measures. In the summer of 1811 I was a passenger on board the Paragon, then new and recently established, confessedly, in every respect, and particularly as to accommodation and speed, superior to the Albany boats. Chancellor Livingston was himself on board; and I recollect that Mr. Jacob Barker and his wife, and I think Mr. Walter Bowne, now a senator from the southern district, were also among the passengers, who in the whole were eighteen. We started a few minutes before one of the Albany boats. Something happened to our machinery before we had got far from the wharf, which stopped us, and enabled the Albany boat to go ahead. She must have had upwards of an hundred passengers on board: her decks were absolutely crowded. I wish you could at that moment have seen the Chancellor, and heard his reflections."

Livingston's attempt to enrich the country had taken a turn he and his colleague had not anticipated. A compromise was at last effected with the Albany line, and in that way the dispute was kept out of the national courts. The opposition boats continued to run.

During 1811 and 1812 Fulton built two vessels for Hudson River traffic[1] and a ferry boat to ply between New York and Jersey City. The demand for steam transportation continued to grow in other states, but though Fulton at first had no legal monopoly except in New York, and did not show inclination to prosecute under his United States patent, a fear of long and costly litigation served to retard the general introduction of vehicles so widely desired.

The adoption of steam power in transportation had created new and unforeseen questions of relationship between individual states, as well as between them and the national government. The earlier giving of privileges to Fitch by various commonwealths was the basis of a widely entertained belief that persons or companies could properly hold franchises allowing them the exclusive right to supply steam-power transportation in states bestowing grants of that nature. Even the courts in many instances held a like view, though the rivers on which the new method of travel was to be used traversed more than one state or served as boundary lines. The whole matter was a complicated one, for it concerned not only the question of properly protecting inventive genius to whatever extent such protection was deserved, but also involved the harmony of Federal and state jurisdic-

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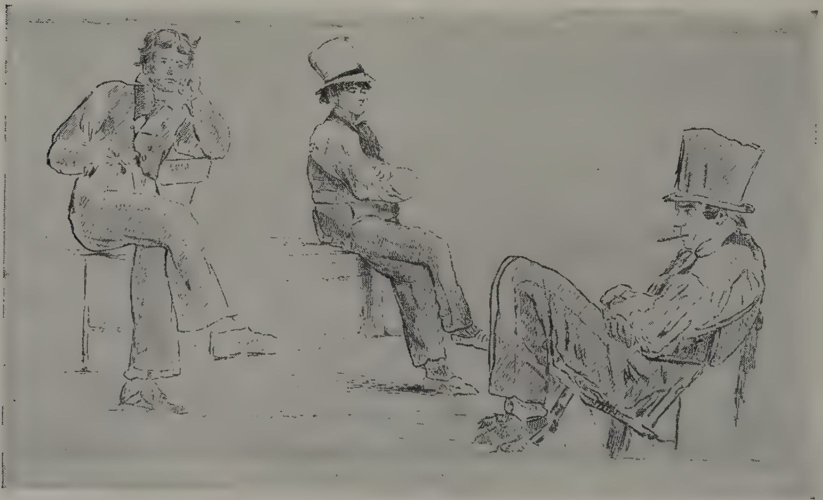
[1] They were the "Paragon," 331 feet long, and the "Firefly," of 118 feet length.



117.—River types of 1825. From a drawing made by Captain Basil Hall of the British Navy during his trip through the United States. The man at the left is a steamboat pilot. Captain Hall describes the others as "backwoodsmen," but from their dress and demeanor it seems more probable they were men of some small town or settlement, belonging to that class which turned its hands, as need arose, to any one of a dozen tasks on land or water.

tions, and was seen to affect the country in a way not approached by any other phase of its internal affairs. Yet the chief men of the time displayed an inability to foresee in any appreciable degree the future growth of the nation or the inevitable elimination of state lines in all matters involving the social and industrial life of the republic. If there was any premonition of what the coming years held in store it lay in the minds of the multitude. The attitude of the people indicates that their perception was more trustworthy than the vision of their leaders. The darkness in which the chieftains groped can well be shown by quoting from the opinions of eminent judges who decided, in New York, that a state had power to halt or otherwise regulate all traffic at a state boundary line, no matter whence the traveller came or where he was going. In the case decided in Fulton's favor[1] respecting the right of New York to enjoin the operation of steamboats not licensed by him, Judge Yates said:

> "It never could have been intended[2] that the navigable waters within the territory of the respective states should not be subject to their municipal regulations."

Chief Justice Kent declared in his opinion[3] that:

> "Hudson river is the property of the people of this state, and the legislature have the same jurisdiction over it that they have over the land, or over any of our public highways, or over the waters of any of our rivers or lakes. They may, in their sound discretion, regulate and control, enlarge or abridge the use of its waters, and they are in the habitual exercise of that sovereign right . . . .
>
> "It is said that a steamboat may become the vehicle of foreign commerce; and, it is asked, can then the entry of them into this state, or the use of them within it, be prohibited? I answer, yes, equally as we may prohibit the entry or use of slaves, or of pernicious animals, or an obscene

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[1] Livingston against Van Ingen.

[2] By the Federal Constitution.

[3] Kent afterward became Chancellor. The opinion of the court was unanimous.

book, or infectious goods, or anything else that the legislature shall deem noxious or inconvenient."

Against such thunder-claps from the Sinai of the law did steam propelled vehicles struggle during the first years of public effort to procure their general introduction in America. The legal obstacles to the extensive use of steam transportation after the people had accepted it in principle were all traceable to the initial attitude of Congress in not securing the original invention from Fitch for free use, together with the theory of the various commonwealths that they could grant to him exclusive rights for the employment on navigable streams within their supposed jurisdiction, of a system of conveyance so profoundly affecting the whole country—a method of transportation destined to be the decisive instrument by which the continent should at last be conquered and all the states welded into one social unit.

Livingston and Fulton continued their effort to gain monopolistic control of steam propulsion throughout the United States, and in addition to building more boats and fighting competition in New York, they extended their activities in three other directions. They entered into negotiations with Louisiana in order to secure an exclusive foothold on the lower Mississippi, enlisted the services of Roosevelt[1] and sent him to the Ohio to study the adaptability of their enterprise to that stream, and began an advertising campaign in various cities offering to license steam craft on a percentage basis in localities to which they could not give personal attention. Their advertisement was published in numerous numbers of different newspapers,[2] and read:

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[1] The Nicholas J. Roosevelt who had urged on Livingston the use of paddle-wheels in 1798, and whose assistant, Stoudinger, had become Fulton's chief aid in construction work.

[2] In New York it appeared in the "Evening Post," and in Philadelphia it was contained in the "General Advertiser."

STEAM BOATS

The undersigned patentees, anxious to extend the advantages of steam boats to every part of the United States where they may be useful and to prevent such of their fellow citizens as are not sufficiently acquainted with mechanics from being imposed upon by pretenders, who are ignorant of the principles, offer license to any respectable individual or company, who may be inclined to build Steam Boats, on any of the waters of the United States, the waters of New York, Mississippi and those already engaged, excepted—on the following conditions:

118.—The Ohio River steamer *Flora,* which was built at Pittsburgh in 1835. Her fate is unrecorded in Hall's list. The resemblance of the *Flora* to the *Belvidere* is noticeable. A contemporary pencil sketch.

The person or company taking a license and giving security for the performance of their contract, shall out of the gross receipts of each year, pay all the expenses which the Boat may incur within the year; and of the net profits, should there be sufficient, he or they shall take 10 percent for [of] the capital expended on the establishment.—But all profits exceeding 10 percent shall be equally divided, one half to the person or persons who built the boat, and one half to the undersigned patentees. Thus the year in which the boat clears 12 percent the owners will receive 11 and the patentees 1 percent and in like proportion for any greater sum. In the year that the boat clears 9¾, the patentees will have no dividend.

On these encouraging conditions, if any patriotic individuals wish to improve a navigation by establishing a Steam Boat, where the profits may not exceed 6 percent on the usual interest, such a laudable enterprise will not be checked by any claim of the patentees, the adventurers taking all profits until it exceeds 10 percent. In all cases, when required, the undersigned patentees will, whether for Passage, Merchandise or Ferry Boats, and at the expense of the adventurers, furnish correct drawings and rules for securing the most complete success to which this new art has arrived, and also have the engine and machinery made at their own works at New-York, and send their experienced engineers to put the work together and the boat in motion.

As success surpassing the most sanguine hope has attended the boats they have built, not one of them falling short, and several exceeding the calculations made on their speed and accommodations—as five years of practical experience may be considered to have given the undersigned more correct information on Steam Boats, than any other individuals possess—it is submitted to those who may wish to engage in such expensive operations, whether it will not be more prudent to proceed on grounds that are professed to be safe, than to travel an unbeaten path, or risque the penalties of the patent law, by intruding on the rights of the Inventors.

Robert R. Livingston.
Robert Fulton.

Little response was aroused by this offer. A few of the first steamboats of the East elsewhere than in New York were operated under license from Fulton, but public feeling against a monopoly of the sort claimed, together with a conviction that it could not long be upheld, and an aversion to the investment of money under the terms proposed, all served to defeat the aims of Livingston and his associate.

The effort to obtain exclusive privileges on the lower Mississippi was for a time more successful. Governor Claiborne of Louisiana met Fulton and Livingston in New York City in the autumn of 1810, and discussed with them the project of introducing steamboats on the Father of Waters. A summary of the negotiations there conducted was afterward made by Claiborne in a letter in which the governor said:[1]

> "They entertained no doubt as to the ultimate success of the experiment; but spoke of the great expenditure and heavy advances with which it would be attended. These they were unwilling to encounter, unless previously assured of the protection of the legislature of the territory of Orleans. I enquired as to the nature of the protection desired, and was informed—'An exclusive privilege to navigate the waters of the Mississippi, passing through the territory of Orleans, with boats propelled by steam, was the only condition on which they would embark in this enterprise.'"

As a result of the discussion between the steamboat builders and the southern executive, a bill entitled, "An act granting to Robert R. Livingston and Robert Fulton the sole privilege of using steam-boats for a limited time in the territory," was passed on April 19th, 1811. Fulton had agreed that if the Mississippi monopoly was given to him he would send one or more boats to Louisiana as speedily as possible, and he proceeded to carry out his part of the bargain with expedition. As soon as news came that the legislature had passed the law demanded, he went with some workmen to Pittsburgh, and there,[2] in 1811, was built the *New Orleans,* the first steam craft to navigate any stream of the interior. The *New Orleans* was a small boat of a hundred tons burden, with a stern paddle-wheel and two masts.[3] She set out from Pittsburgh on her long voyage toward the South in October, and reached the city whose name she bore in the January following.

Not all the three months' interval was consumed by

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[1] Written to J. Lynch, Esq., of New Orleans, on Jan. 25, 1817. Printed in full in Colden's "Vindication of the Steamboat Right;" Albany, 1818, pp. 168-70.

[2] During 1809, in behalf of Fulton and Livingston, Roosevelt had personally visited and studied the Ohio and Mississippi Rivers to discover whether steam navigation was practicable on them.
The "New Orleans" was built and launched under the direction of Roosevelt.

[3] Fulton still believed that the use of sails for auxiliary power would be necessary.

119.—A small, stern-wheel, flat-bottomed boat of the Ohio River. It was this type of steam craft that pushed its way up the Muskingum, Hocking, Scioto, Licking, Miami, White, Wabash, and other Ohio tributaries before the days of the railroads. During the third decade such boats ascended the Wabash River to the town of Lafayette, in northern Indiana. Owing to the long disuse of those and other streams, some of them have come to be considered non-navigable, and their natural beds have been in part usurped by bridges and other building encroachments.

the voyage. The only persons on board were Roosevelt, his wife and family, a pilot, six members of the crew and some servants. Remarkably good speed was made from the starting-point to Louisville, and the progress of the boat down the Ohio to that city became a panorama of amazement and excitement over six hundred miles long. When she passed towns or settled communities all the people ran to the banks of the river and gazed awestruck at the spectacle, just as the Connecticut villagers had tumbled over one another to behold Governor Trumbull's chaise during the Revolution. They had heard of steamboats, knew such things existed in the East, and had been told that one of them was being built at Pittsburgh. Yet no attempted mental picture of the much-discussed contrivance could approach, in its overwhelming significance, a sight of the actuality. Imagination and anticipation had aroused the interest of the people, but the on-rushing truth brought a sense of stupefaction. Long after the smoke from her iron chimney had vanished in the air, and for hours after the clanking of her engine had become a whisper in the ears of memory, the people stood at the edge of the waters they had fought so long, looking blanking down the river. Something had passed them, and yesterday was very far away.

Louisville was reached late at night, after all the town was wrapped in peaceful slumber. On approaching the shore the accumulated steam in the boilers was permitted to escape through the exhaust pipe. Never before had the resultant roar of that operation been heard on the Ohio, and as the loud reverberating blast rolled through the little city, sleep fled from its habitations and the population with one accord sat upright in the darkness, wondering why the crack of doom was so long drawn out and how soon the angel Gabriel would follow it in person. Alarm was general, but as the midnight cry of a new power died away to a low muttering, and then ceased altogether, assurance came again and news regarding the real cause of the disturbance soon spread through the community.

Shallow water at the rapids detained the steamboat for three weeks, during which time she made several trips to Cincinnati and return, but during the last days of November the southward voyage was again begun.

CHAPTER XXI

EARLY STEAMBOATS OF THE WEST — SHREVE AND HIS CRAFT — THE NEW YORK COMPANY TRIES TO STOP IT FROM RUNNING — SHREVE WINS AND THE DEVELOPMENT OF THE WEST PROCEEDS — CAUSES OF DELAY IN THE EAST — FULTON'S OFFER TO THORNTON — NICHOLAS ROOSEVELT MAKES A FEW REMARKS — THE WALK-IN-THE-WATER — WAR BETWEEN SAILING PACKETS AND STEAM CRAFT — NEW ENGLAND STATES TRY TO KEEP NEW YORK STEAMBOATS OUT OF THEIR WATERS — MONOPOLY FINALLY OVERTHROWN — THE USE OF STEAM IN TRANSPORTATION MADE FREE TO ALL AFTER NEARLY FORTY YEARS OF SPECIAL PRIVILEGE

THE arrival of the vessel at New Orleans was an occasion for a popular demonstration, and the boat was at once employed in regular trips between the Louisiana metropolis and Natchez in Mississippi. But so abrupt and uncanny was the contrast between the steamboat and those craft she was intended to supplant that the public held aloof from her in the bestowal of their patronage until several trips had been made. She seemed too much of a miracle, at first, and many travellers and merchants preferred to use the barges and flatboats with which they were familiar until the new system of transportation had somewhat demonstrated its reliability in practise. The *New Orleans,* like all other early steamboats, was a flimsy fabric laden with danger both from explosion and fire, and the careful business men of the South, though recognizing the value of steam propulsion, were not blind to those defects in its application which were later to result in catastrophes that appalled the country. The average up-stream speed of the *New Orleans* was about three miles an hour. She continued in service until wrecked by a snag in 1814.

The second steamboat in western waters was the *Comet,* built on the Ohio at Brownsville, Pennsylvania, in 1813, by Daniel French, who had obtained a patent in 1809. The *Comet* went to Louisville in 1813 and descended to New Orleans during the following year. After two voyages to Natchez she was dismantled and her engine was set up in a cotton factory.

The *Vesuvius,* built at Pittsburgh by Fulton's workmen in 1814, for his Louisiana company, was the third western boat, and she reached New Orleans in the early summer of that year. On her first north-bound voyage she ran on a sand-bar, where she reposed from July until December, and then returned to New Orleans. The *Vesuvius* plied intermittently between the southern city and Natchez in 1815 and 1816, was burned, raised, refitted, and finally fell to pieces in 1819, after a long career typical of the most venerable and fortunate boats of the time.

Number four of the early western steam craft was the *Enterprise,* built by French at Brownsville in 1814. After two trips to Louisville and return she proceeded to New Orleans and in the spring of 1815 went back to Louisville again, being the first boat to travel up-stream between the two cities by means of steam power. The trip was accomplished in twenty-five days, but was not accepted by the people of the interior as a final and de-

120.—First-class steamboat of the Ohio and Mississippi River trade in 1838. In boats of this sort the trip from Cincinnati to New Orleans required about seven or eight days. From a drawing by the Scotch engineer David Stevenson, in 1837.

cisive proof that steam craft were dependable for use against the river currents. She had ascended the Mississippi and Ohio during a flood, and avoided the opposing flow by travelling most of the way over inundated country covered by slack water. So the people still refused to give an unqualified verdict that the Mississippi had been conquered.

Such was the state of public opinion when Henry Shreve built the double-deck steamboat *Washington* at Wheeling, Virginia, in 1816, equipped his boat with high-pressure engines constructed by French, and embodied numerous technical improvements in the vessel and her machinery. The *Washington* was taken to New Orleans in the fall of 1816, and excited the admiration of the Louisiana city. While lying there the boat was inspected by Edward Livingston, brother and business representative of the Chancellor, who said to Shreve: "You deserve well of your country, young man, but we shall be compelled to beat you if we can."[1] On March 12, 1817, the *Washington* left Louisville for New Orleans on her second voyage, and accomplished the round trip in forty-one days. About twelve days were consumed in descending the rivers, and twenty-five in returning against the normal currents of the streams. From this upward passage may be dated the commencement of general steam navigation in the Mississippi valley. It dispelled the last doubt of the people that steam was the master of the mighty river, and Shreve was hailed as a hero. The population of the Mississippi valley was as excited over his accomplishment as it had been over Jackson's victory at New Orleans. Louisville greeted him on his return with a reception and a public dinner, and he made a speech in which he boldly predicted that the time would come when people could travel from New Orleans to Louisville in ten days. His hearers thought he was a trifle optimistic, but applauded him just the same.

No sooner had news of the *Washington's* performance spread through the Ohio valley than numerous steamboats were begun, but their appearance in large numbers was halted for two years more by the fear of legal proceedings against them. Robert Fulton had died in 1815, but his company was still active in its efforts to establish a monopoly in steam transportation, and did not confine itself to verbal warnings. Edward Livingston's threat was carried into effect. On the return of Shreve and his craft to New Orleans the *Washington* was seized by the sheriff at the instigation of the New York company and an action to prevent its further operation was begun in the courts of

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[1] Meaning that the Livingston-Fulton company would try by legal means to prevent Shreve from running his boat.

Louisiana. The decision was in favor of Shreve, and the southern monopoly asserted by the Livingston-Fulton association was declared to be unconstitutional and void. In 1819 the claims of the New York men were abandoned as far as western waters were concerned, and steamboat building on the Ohio and Mississippi was resumed, without fear, by all who desired to engage in the enterprise. From that time the development of the interior continued with increased momentum. Cincinnati's first steamboat, the original *General Pike,* was put into commission in the year last named and marked the appearance of the pioneer steam transportation company of the West.[1] She conveyed her passengers to Louisville in thirty-one hours.[2]

For a dozen years or more after 1807 the use of steam transportation in the East spread even less rapidly than in the West. Two causes that contributed to delay in adopting the new vehicles—fear of lawsuits and dissatisfaction with the percentage terms offered by Livingston and Fulton—have been mentioned. Still other powerful agencies operating in the same way were the opposition of established travel systems such as stage-coach lines and sailing packets, the jealousies of the different states, and the actual taxation of travellers on steamboats. Yet none of these things, nor all of them put together, could prevail against the manifest advantages that lay in the use of steam power. Various small boats were now and then built in

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[1] The United States Mail Line between Cincinnati, Louisville and St. Louis.

[2] The increase in the speed of travel throughout the interior between the days of the flatboat and the general introduction of railroads in that part of the country can be shown in a broad way by a table giving the time consumed in a steamboat trip from Louisville to New Orleans at various dates between 1815 and 1853. Such figures follow:

Year	Steamboat	Days	Hrs.	Min.	Year	Steamboat	Days	Hrs.	Min
1815	Enterprise	25	2	40	1840	Shippen	5	14	00
1817	Washington ...	25	0	00	1844	Sultana	5	12	00
1817	Shelby	20	4	20	1849	Bostona	5	8	00
1819	Paragon	18	10	00	1851	Belle Key.....	4	23	00
1828	Tecumseh	8	4	00	1852	Reindeer	4	20	45
1834	Tuscarora	7	16	00	1852	Eclipse	4	18	00
1837	Gen. Brown....	6	22	00	1853	Shotwell	4	10	20
1837	Sultana	6	15	00	1853	Eclipse	4	9	30

CINCINNATI AND LOUISVILLE MAIL LINE
LOW PRESSURE
JACOB STRADER

LOUISVILLE MAIL COMPANY STEAMBOAT JACOB STRADER.

121.—The *Jacob Strader,* built in 1854 for service between Cincinnati and Louisville, was the finest boat yet seen on the Ohio. She cost $200,000, and developed a speed of 18 miles an hour. The words "low pressure" on the paddle-box were to reassure the public against the probability of explosions such as were then frequent on boats using high pressure boilers.

different localities, and they prospered when not opposed by narrow-sightedness or legal obstacles which they could not combat.

Philadelphia's first boat to be run for public patronage since Fitch's packet of 1788-1790 was the *Phoenix,* whose building by John Stevens, in 1807, has been related. For a time she was operated between New Jersey towns and New York City, but Fulton's opposition at last shut her out of New York state waters, and she was taken to Philadelphia, thus performing the first ocean voyage undertaken by a steam craft. After reaching the Delaware River, in 1809, the *Phoenix* ran between Philadelphia and Bordentown, carrying passengers who were moving to and fro across New Jersey from that town by stage-coach. She had thirty-seven sleeping berths. Warning of her impending departure on a trip was given by the captain, who stuck to the custom of the early keel-boats and blew on a long tin horn. During the next ten or twelve years several other boats were built at Philadelphia[1] to meet the needs of the rapidly growing travel between New York and that city. Each carried her passengers up the Delaware to the terminus of the stage-coach line with which she had a traffic arrangement. There were a number of such stage companies operating vehicles across New Jersey by that time, and so energetically did they seek patrons that a rate war occasionally broke out, and the price of a through ticket to New York dropped to a dollar.

Baltimore entered on the era of steam travel in 1813, when the little steamboat *Eagle* went from New York to operate in the neighborhood, and three years later another boat, the *New Jersey,* arrived at the Maryland city.

All five of Fulton's early boats on the Hudson and Jersey waters[2] remained rather slow of motion and somewhat awkward in operation. He recognized the desirability of obtaining greater speed if possible, and in 1811 wrote a letter on the subject to Dr. William Thornton,[3] in which he said:

> "I shall be happy to have some conversation with you on your steamboat inventions and experience. Although I do not see by what means a boat containing one hundred tons of merchandise can be driven six miles an hour in still water, yet when you assert perfect confidence in such success, there may be something more in your combinations than I am aware of. . . . If you succeed to run six miles an hour in still water with one hundred tons of merchandise, I will contract to reimburse the cost of the boat, and to give you one hundred and fifty thousand dollars for your patent; or, if you convince me of the success by drawings or demonstrations, I will join you in the expense and profits."[4]

By the year 1816 there were but eight boats on the Hudson, and the fare from New York to Albany was seven dollars. Passengers for way stations paid at the rate of about five cents a mile, but no ticket was sold for less than a dollar, no matter how short the distance its purchaser intended to go. Complicated legal controversies were still raging in Connecticut, New York and New Jersey over the subject of steamboat patents, and in the same year of 1816 Nicholas Roosevelt came forward with a claim to the invention of paddle-wheels, which he had proposed to Livingston. He had taken out a patent in 1814, and now published in various newspapers the following advertisement:

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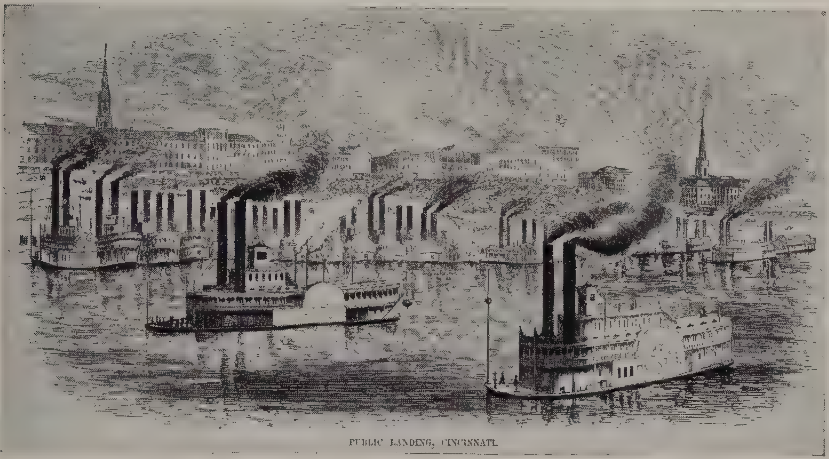
[1] Some few of them were the "Philadelphia," the "Pennsylvania" and the "Aetna." The "Aetna" blew up in New York harbor in 1824, with loss of life.

[2] The "Clermont" (1807); "Raritan" (1807); "Car of Neptune" (1808); "Paragon" (1811); and "Firefly" (1812).

[3] Fitch's old business associate.

[4] Preble's "History," p. 64. Thornton, in speaking of this matter says: "I agreed to his proposal at once, but he declined to write the terms." Thornton's "Short Account," Albany, 1818, p. 9.


PUBLIC LANDING, CINCINNATI.

122.—A view of the river front at Cincinnati during the period in which steamboat travel and traffic reached the height of their importance. Cincinnati was then the principal city of the interior, and, with Louisville and Pittsburgh, had been most affected by the adoption and spread of steam transportation. Along the levee at each city there constantly lay an unbroken line of steamboats about a mile in length.

STEAMBOAT NOTICE

"All persons are hereby informed that I claim the right of Inventor of Vertical Wheels, as now generally used for Steam Boats throughout the United States, having been first used, after my invention, in the North River Steam Boat, by Messrs. Livingston and Fulton.

"I have obtained a patent in due form of law, for my invention, which is dated the first day of Dec., 1814.

"No other person in the United States has any Patent, but myself, for the invention of Vertical Wheels. Having obtained a legal title to the sole use of steamboats with such wheels, I hereby forewarn all persons from using them hereafter without license from me. The patent and evidence of my right are in the hands of Wm. Griffith, Esq., of the City of Burlington, my Counsel-at-Law.

"On this subject, so very important to me (being the only real and efficient invention since Fitch's boat), I do not by this notice challenge controversy, but am prepared to meet it in any form. My object is to make known, that I am the Inventor, and have the Patent right. Individuals or companies who use such wheels without my license after this, will be prosecuted under the Law of Congress, for damages amounting to the profits of the boat. Licenses will be sold under me at moderate rates, and warranted.

"NICHOLAS J. ROOSEVELT.

"BURLINGTON, N. J., 4th March, 1816."[1]

After this public notice by Roosevelt, Fulton never urged his claim, but from that moment abandoned it.[2] It seems a justifiable inference, in view of the published statements made by Roosevelt and his manner of wording the advertisement, that there had been some sort of a falling out between him and the Livingston-Fulton organization during the time that had intervened since his activity in building boats at Pittsburgh for the company in 1811. At any rate Roosevelt's sudden appearance in the field as still another from whom permission must be obtained before steamboats could be built confused the public, instilled an additional fear into the minds of possible investors and thereby served further to retard the introduction of the new transportation device.

Of the ones who did take out licenses for the building of steamboats some dealt with the Livingston-Fulton company and others with the new claimant. Among those

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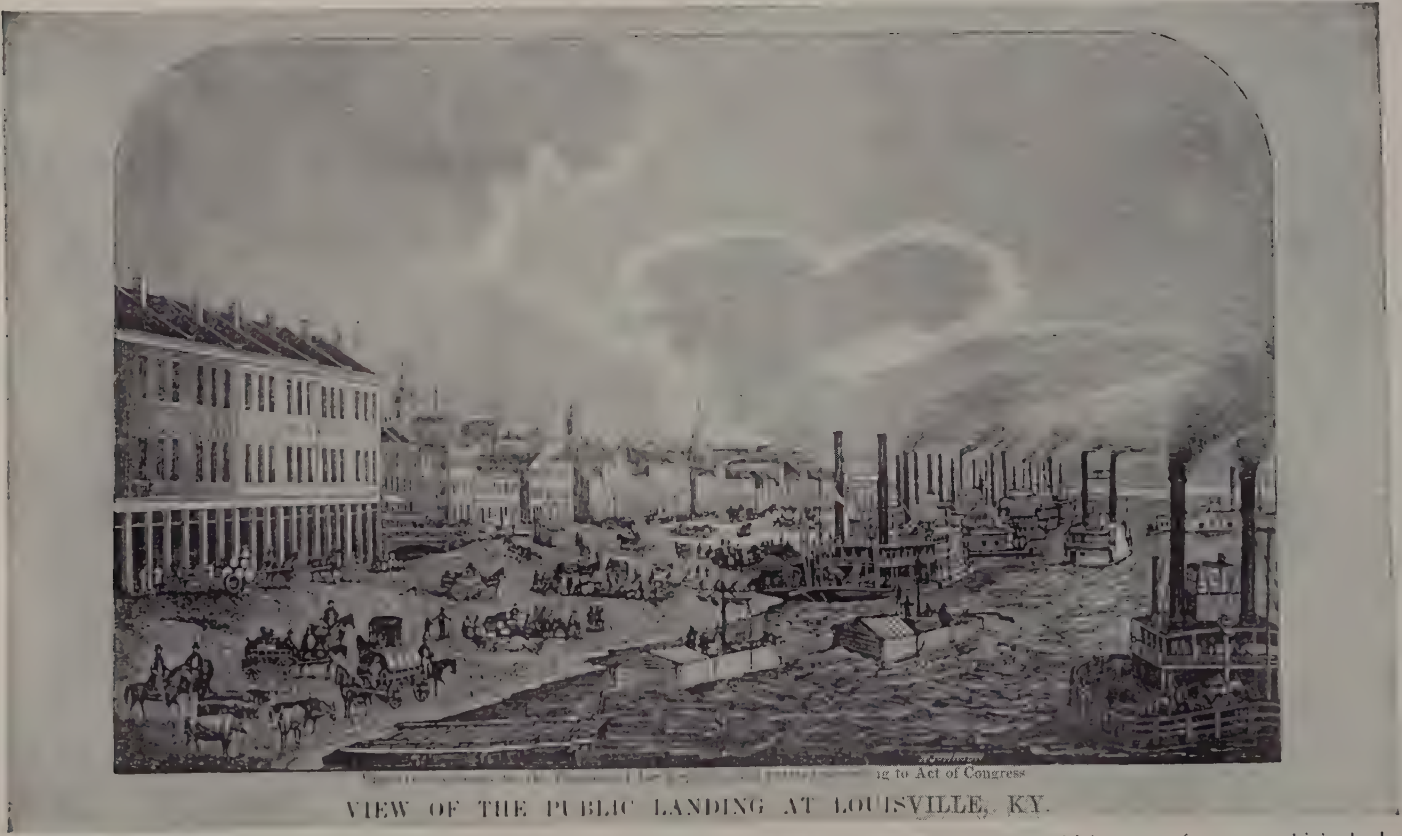
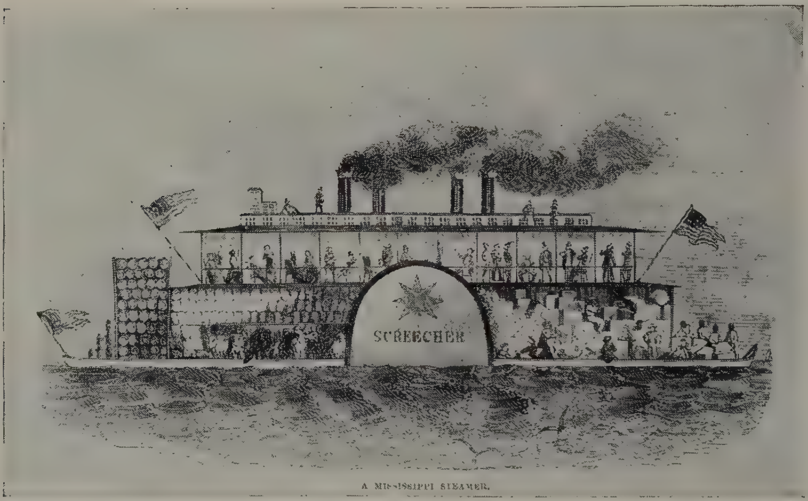
[1] For a full account of the relationship between Roosevelt's patent and later developments in the legal fight over steamboats, see J. H. B. Latrobe's "Lost Chapter in the History of the Steamboat."

[2] Phraseology of Latrobe, p. 8. In 1826 the facts were submitted as a case-at-law, to William Wirt, for an opinion, and Wirt said: "On the above statement I am of opinion that the patent to Roosevelt is valid." Latrobe's "Lost Chapter," pp. 7-8.


ng to Act of Congress
VIEW OF THE PUBLIC LANDING AT LOUISVILLE, KY.

123.—Similar aspect of Louisville's water front at the same epoch. Also showing two flatboats, which type of water vehicle had by that time almost disappeared.

who paid Roosevelt for the privilege of operating steam craft were Aaron Ogden, who established a vessel between Elizabethtown and New York, and the Shrewsbury and Jersey Stage Company, which ran a boat in connection with its land coaches. After Fulton's death the company organized by Chancellor Livingston and himself gave up the effort to secure half the profits on all earnings above ten per cent. under licenses granted by it. No public announcement respecting a modification of operating terms for steamboats appears to have been made, but such details were left to private negotiation. The company was trying as best it could to retain the semblance of monopoly still remaining, and made whatever arrangement was possible in each case. In 1821, for example, it entered into an agreement with several men living near Lake George, in



124.—A Mississippi steam packet with a cargo of cotton. In case of boiler explosion, collision, or other accident, the cotton bales sometimes served as rafts to which the people clung until they drifted ashore or were picked up.

New York state, giving to them the exclusive right of steam navigation on that sheet of water, and exacting nothing from the owners of the boat until eighteen per cent. of all money invested had been taken in. After that amount had been cleared, half of any further profit was to go to the licensing company.[1]

Another pioneer steamboat whose origin and operation were somewhat related to the Fulton company was the *Walk-in-the-Water,* first steam vessel on Lake Erie. She was built near Buffalo in 1818, left Buffalo for the first time on August 23, 1818, arrived at Cleveland amid much popular excitement on the 25th, and reached Detroit, her destination, on the 28th. During her progress through Detroit River hundreds of Indians lined the shores of the strait and cried out in amazement. They had been told the white men would send among them a ship drawn through the water by sturgeons, and there, before their eyes, was proof of the incredible tale. Never more would they presume to oppose a race who could do such a thing —who could harness even the fish of the sea to do their bidding. The red men were soon disabused of their first belief, but an understanding that fire and machinery were used in propelling the boat produced an impression no less profound. "We are children," they said.

The builder of the *Walk-in-the-Water*[2] had paid the Livingston-Fulton company a sum now unknown for the privilege of operating the vessel, and all four men who at various times commanded her were brought from previous service on the Hudson River boats of the company. She cost about $50,000, had two masts, and paddle-wheels sixteen feet in diameter. In still water she could make nearly eight miles an hour, but owing to the strength of the current at Buffalo she sometimes had to be hauled by oxen at the end of a tow-line for a considerable distance, when leaving port, before trusting to her own machinery. As many as a hundred and fifty passengers were at times aboard her. She continued to run between Buffalo, Cleveland, Sandusky, Detroit, and Mackinac until October of 1821, when she was wrecked in a gale near Buffalo. Her usual time between Buffalo and Detroit was three days, and the cost of a trip between those two cities was eighteen dollars.[1]

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[1] The contract here summarized was contained in a document in the collection of Dr. Romeyn Beek, of Albany, and later in possession of Mrs. Pierre Van Cortlandt. It was first published in the "Magazine of American History," Vol. xviii, No. 1 (July, 1887).

[2] Dr. J. B. Stewart of New York City. For a full history of the boat, see "Proceedings of the Buffalo Historical Society" for 1864; the "Detroit Gazette" of 1818-1821, and the "Michigan Pioneer Society Collections," Vol. 18.

In New England a number of unusual conditions and circumstances marked the early days of steam travel. The first steamboat of Boston[2] was a commercial failure. She was built in 1817 to run between that city and Salem, and on her initial trip—an excursion—something happened to the machinery and her passengers had to be sent back to their homes in stage-coaches. The accident was a severe blow to her prestige, and the stage-coach lines thereafter fought her by a campaign designed to shake public faith in the new travel method. As a consequence the boat was not patronized, and her owners decided to send her to Charleston, South Carolina. On the trip toward that city she was lost.

During the same year of 1817 Rhode Island beheld the first steamboat to appear in that part of the world since the days when Elijah Ormsbee built and operated his little craft, back in 1792. In 1817 the Livingston-Fulton company sent its boat, the *Firefly,* to run between Newport and Providence. On her arrival at Pawtucket from the Hudson she was greeted by the usual multitude eager to get its first sight of the new conveyance, and those of the younger generation marvelled as befitted the occasion. But among the throng were a few who said: "We have seen a boat moved by steam before." The *Firefly* was a slow and awkward little vessel, full of machinery, noisy in her operation, and she required twenty-eight hours to reach Newport from New York on her first trip.

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[1] The spread of steam power on the Great Lakes was slow. In 1821 there was one steamboat on those waters; in 1831, eleven; in 1836, forty-five; in 1847, ninety-three.

[2] Called the "Massachusetts." She ran about 8 miles an hour

At this time—1817—a large part of the travel between New England and the Middle States was carried on by regular lines of sailing packets. These were swift, beautifully modelled sloops of about a hundred tons burden, elaborately fitted with interior mahogany furnishings. Their hulls were painted in gay colors and sometimes even inlaid with designs made of polished hardwoods. The main cabin of a packet was about twelve feet square, and from it opened small but comfortable staterooms. Excellent meals were served, with wines and liquors at dinner and supper. The fare from Rhode Island ports to New York on a packet was ten dollars, and with favoring winds a passage was often made in eighteen hours. Similar vessels plied between all Atlantic coast ports. They usually ran once a week, and were deservedly popular.

When the *Firefly* appeared in Rhode Island and challenged the Newport and Providence packets for the passenger trade between those towns, the sailboats accepted the gauge of battle. Their agents stood on the very wharf used by the steamboat, crying aloud that the packets would take travellers from one city to the other for twenty-five cents, and refund the money if they did not land their passengers before the steamboat did. The sailing craft gained the victory. They were more than a match for the mechanical vessel in point of speed as well as in comfort, and the *Firefly* soon gave up the contest. No sooner did tidings of success reach the packet men than they assembled in convention, denounced the outrage so successfully foiled and adjourned to a tavern to celebrate their triumph over all innovations in general and despicable steam in particular. That was the last of steamboats in Rhode Island for four years.

Steamboat wooding at night

125.—Nearly every settler along the banks of the Mississippi chopped down trees and maintained a wood-pile, in order that he might sell fuel to passing steamboats. A boat signalled its need by whistling, and its crew carried the wood aboard while the owner of the fuel kept account of the amount taken. A vendor sometimes kept his reckoning by moving his hand down a series of notches cut in a long pole.

Connecticut's reception of steamboats from New York was even more hard-hearted than the greeting given to them by Rhode Island. The first steamer sent to Connecticut by the monopoly-holding company was the *Fulton.*[1] She was built in 1813-1814 for use on Long Island Sound, but was run on the Hudson until the second war with England was over. In 1815 she made a number of trips from New York to New Haven and New London with such small success that the service was discontinued. The people of the New England communities were angered by the law that excluded from New York waters the boats of any other state unless licensed by the monopoly, and they in turn refused to patronize any steam vessels from the neighboring inhospitable commonwealth. Two or three small independent steamboats were built and operated on the Connecticut River in the years immediately following 1815, and among them was the *Oliver Ellsworth,*[2] a craft in whose success the Connecticut public took a keen interest. The boiler of this boat exploded in 1818, killing a number of passengers. The state legislature happened to be in session at the time, and one excited man, eager to spread the deplorable intelligence, rushed from the street into the Assembly Chamber in the midst of a debate and screamed: "The *Eliver Ollsworth* has biled her buster!"

In 1821, the Livingston-Fulton company again made an attempt to capture the passenger traffic between New York City and New England, and began the renewed service with an excursion to Providence and Newport, using the *Fulton.* No steamboat had visited those cities from other localities since the *Firefly* had been beaten by the packet men in 1817. She entered the Rhode Island harbors with a brass band blaring on her deck and her passengers shouting in response to the tumult ashore. The trip was a success, though for some reason no further voyages were made for nearly a year. Steam travel between New York and the Connecticut cities was resumed by the company in 1822,[1] and immediately met a violent popular hostility. Resentment at New York's attitude with respect to the use of steamboats had still further increased, and in retaliation the legislature passed an act forbidding the use of Connecticut waters to any vessel with a Livingston-Fulton license. By this law the boats of the monopoly were driven from New Haven and New London. Notice that steam travel between New York and Connecticut had ceased was published in the newspapers in June of 1822.

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[1] Dimensions, 134 feet long, 30 feet wide, 9 feet depth of hold. Her paddle-wheels were 15 feet in diameter and she carried a mast and sails.

[2] Named after the eminent Connecticut Justice.

No sooner was the company ousted from Connecticut than it turned once more to Rhode Island, and the *Fulton* and *Connecticut* were again sent to Providence and Newport.[2] Neither boat had staterooms, and nearly all the space on board had to be filled with the enormous quantities of wood necessary to keep the fires going. The trip between New York and Newport required from eighteen to forty hours, according to the weather. With the resumption of steam service to Rhode Island the packet men rallied a second time in defense of their ancient privilege, and their influence caused the introduction of a bill in the state assembly imposing a tax of fifty cents on each steamboat traveller and restricting the landing, on Rhode Island territory, of steamboat passengers from another state. This bill passed the state senate but failed to receive the approval of the lower house. A majority of its members were of opinion that the pro-

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[1] With the two boats "Fulton" and "Connecticut."

[2] The fare to Newport from New York was $9; to Providence, $10.

126.—A Mississippi wood-seller and his family in trouble during a season of high water. In those days the dwellers along the river had no advance knowledge concerning the time when the crest of the flood would pass, and not infrequently hesitated too long before seeking to escape.

posed law was unconstitutional. The steamboats therefore continued to run, and the days of the old packets were numbered. For a time, however—because of their comfort—sailing vessels still held a share of the public patronage in New England. The *Fulton* and *Connecticut* each contained almost as much machinery as a small factory, and made a most direful noise when in operation. The cog-wheel that turned the paddles of the *Fulton* had teeth five inches long, and so slow was her speed that she once consumed five hours in going from Providence to Newport. When she made a trip without using sails, her captain boasted of it.

Maine's first steamboat was the hull of an old, flat-bottomed sailboat in which Captain Seward Porter, of Portland, placed a little engine in the summer of 1822.[1] It ran to North Yarmouth and other near-by towns, and so strong was the effect of the innovation on popular imagination that even the local constable, Lewis Pease, burst into song at its creation and wrote a poem in honor of the advance in economic evolution. The stanza went thus:

> "A fig for all your clumsy craft,
> "Your pleasure boats and packets;
> "The steamboat lands you safe and soon
> "At Mansfield's, Trott's or Brackets'."

"For tickets," said the steamboat advertisement, "apply to Mr. A. W. Tinkham's store."

Porter's vessel was an emphatic success. Within two years he had a new boat with a speed of ten miles an hour,[2] and put her to work between Portland and Boston. She

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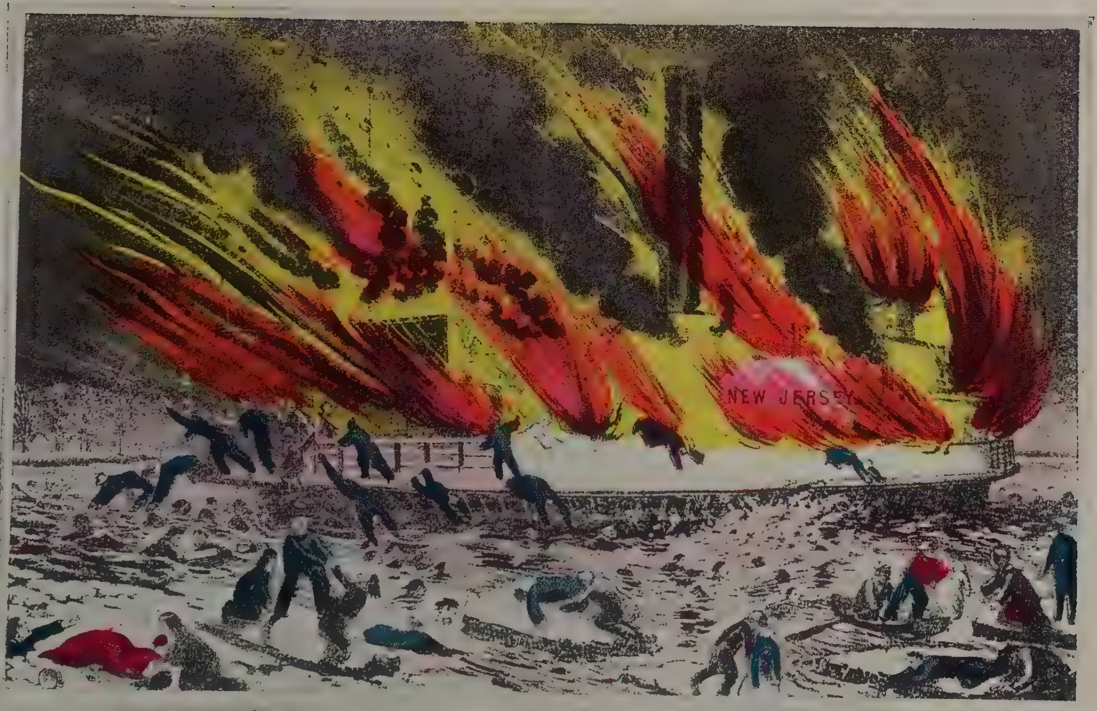
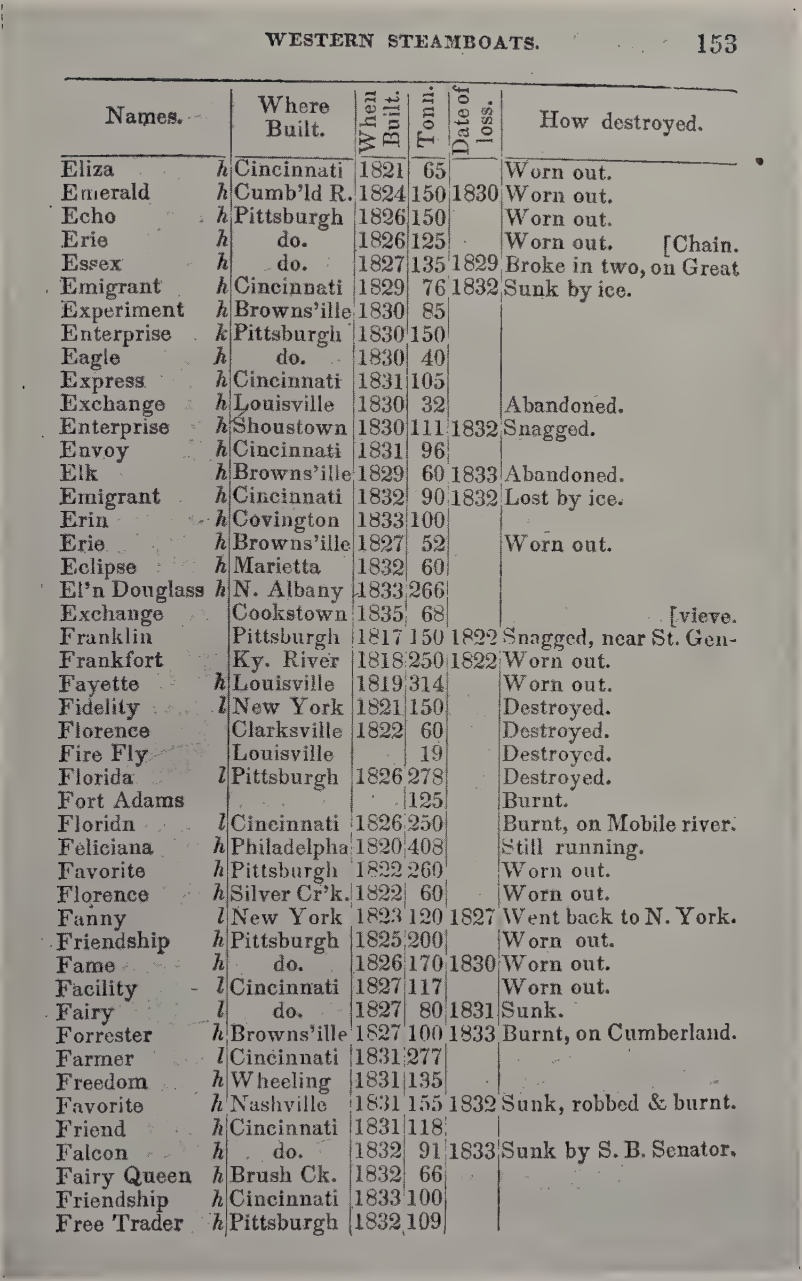
[1] Its trips were advertised in the "Portland Argus" of that year.
[2] Built at New York.



TERRIBLE CONFLAGRATION AND DESTRUCTION OF THE STEAMBOAT "NEW JERSEY,"

On the Delaware River, above Smith's Island, on the Night of March 15th, between 8 and 9 o'clock, in which dreadful calamity over 50 Lives are supposed to have been lost.

From 1840 to 1858 pictures like this were hastily published after important steamboat disasters as a protest against them and a warning to travellers. F. Lith. Col. Amer.



WESTERN STEAMBOATS. 153

Names.		Where Built.	When Built.	Tonn.	Date of loss.	How destroyed.
Eliza	h	Cincinnati	1821	65		Worn out.
Emerald	h	Cumb'ld R.	1824	150	1830	Worn out.
Echo	h	Pittsburgh	1826	150		Worn out.
Erie	h	do.	1826	125		Worn out.
Essex	h	do.	1827	135	1829	Broke in two, on Great Chain.
Emigrant	h	Cincinnati	1829	76	1832	Sunk by ice.
Experiment	h	Browns'ille	1830	85		
Enterprise	k	Pittsburgh	1830	150		
Eagle	h	do.	1830	40		
Express	h	Cincinnati	1831	105		
Exchange	h	Louisville	1830	32		Abandoned.
Enterprise	h	Shoustown	1830	111	1832	Snagged.
Envoy	h	Cincinnati	1831	96		
Elk	h	Browns'ille	1829	60	1833	Abandoned.
Emigrant	h	Cincinnati	1832	90	1832	Lost by ice.
Erin	h	Covington	1833	100		
Erie	h	Browns'ille	1827	52		Worn out.
Eclipse	h	Marietta	1832	60		
El'n Douglass	h	N. Albany	1833	266		
Exchange		Cookstown	1835	68		
Franklin		Pittsburgh	1817	150	1822	Snagged, near St. Genevieve.
Frankfort		Ky. River	1818	250	1822	Worn out.
Fayette	h	Louisville	1819	314		Worn out.
Fidelity	l	New York	1821	150		Destroyed.
Florence		Clarksville	1822	60		Destroyed.
Fire Fly		Louisville		19		Destroyed.
Florida	l	Pittsburgh	1826	278		Destroyed.
Fort Adams				125		Burnt.
Floridn	l	Cincinnati	1826	250		Burnt, on Mobile river.
Feliciana	h	Philadelpha	1820	408		Still running.
Favorite	h	Pittsburgh	1822	260		Worn out.
Florence	h	Silver Cr'k.	1822	60		Worn out.
Fanny	l	New York	1823	120	1827	Went back to N. York.
Friendship	h	Pittsburgh	1825	200		Worn out.
Fame	h	do.	1826	170	1830	Worn out.
Facility	l	Cincinnati	1827	117		Worn out.
Fairy	l	do.	1827	80	1831	Sunk.
Forrester	h	Browns'ille	1827	100	1833	Burnt, on Cumberland.
Farmer	l	Cincinnati	1831	277		
Freedom	h	Wheeling	1831	135		
Favorite	h	Nashville	1831	155	1832	Sunk, robbed & burnt.
Friend	h	Cincinnati	1831	118		
Falcon	h	do.	1832	91	1833	Sunk by S. B. Senator.
Fairy Queen	h	Brush Ck.	1832	66		
Friendship	h	Cincinnati	1833	100		
Free Trader	h	Pittsburgh	1832	109		

127.—Sample page from James Hall's "List of Western Steamboats," giving information regarding the age, size, length of use and fate of about seven hundred river vessels. From Hall's "The West: Its Commerce and Navigation."

was called the *Patent,*[1] cost $20,000, carried a mast and sails, and had a separate cabin for women.[2]

During the years and events just reviewed the monopoly in New York state continued to control traffic on the Hudson without serious opposition, and the attitude of that commonwealth with respect to the new travel method was made still more interesting by its imposition of a tax on people who patronized steam craft. In 1819 the comptroller of the state reported that the tax on steamboat passengers in 1817 and 1818 had amounted to $41,440. Only $3,819.82 had been required for its collection, leaving net profits to the state of $37,620.18. A steamboat traveller who made a trip of more than a hundred miles paid a tax of one dollar; to go any distance between thirty and a hundred miles cost him fifty cents. He could travel twenty-nine miles by steam power without paying any tax whatever.

But at last the long period of monopolies and exclusive grants for the use of steam power in water transportation was coming to a close, and a protracted triangular dispute between New York, New Jersey and the Federal government was the indirect means of bringing it to an end. New Jersey had early enacted a measure against New York steamboats in retaliation for the attitude of the larger state, and in 1814 Aaron Ogden, governor of New Jersey, again planned an invasion of the waters of New York Bay in an effort to upset the Fulton-Livingston claims. He had long been the proprietor of "an ancient and accustomed ferry" between Elizabethtown Point and New York City, and, in order still further to strengthen his position, he also secured a coasting license from the United States and an assignment to himself, from Fitch's heirs, of the original patent granted to Fitch and all national and state rights of every sort in connection with it. Having so fortified his demand he presented to the New York legislature a statement asserting a right to run steam ferry boats over his route,[1] declaring that such service would tend to the public accommodation, and asking for action on his petition.

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[1] Doubtless indicating the payment of a license fee either to the Livingston-Fulton company or to Roosevelt.

[2] The "Boston Courier" of August 12, 1824, describes her first trip. In 1825 the steamboat fare from Boston to Portland, with meals, was $5; to Bath, $6; to Augusta, $7; to Eastport, $11.

Ogden's memorial was considered by a committee of the New York legislature[2] which finally reported that the steamboat had been patented by Fitch, that Fitch or his assignee had all rights to the invention during the life of the patent, that the use of the contrivance afterward fell to the public, and that the exclusive legislation of New York in favor of Fulton and Livingston was unconstitutional and oppressive. This report was rejected by the New York senate, and Ogden was not granted the privilege he asked. Ogden then brought the matter before New Jersey's legislature, but there he was also defeated, and so powerful were the influences arrayed against him that New Jersey even repealed the former measure which excluded New York steamboats from its waters. A compromise between the Fulton-Livingston company and Ogden was then effected, the quarrel was kept out of the courts, and a decisive pronouncement on the question was once more avoided.

So the controversy hung for another ten years, with Federal jurisdiction over navigable waters still denied and fought by New York, until 1824. In that year it again arose in an acute form and was contested to a finish. A

[1] As above described.

[2] The chairman of the committee was William Duer, later president of Columbia College. Duer's active interest in the steamboat question, as a historical subject, dated from the events under consideration.

prominent business man and lawyer of Georgia, Thomas Gibbons by name, had settled in Elizabethtown, and there he invested some money in a steam ferry to New York in opposition to the one run by Ogden. Gibbons was convinced that New York's attitude could not be successfully maintained, and he resolved to embark in whatever course of litigation might be necessary to prove the soundness of his belief. In order to involve the general government in the contention he also obtained a coasting license from the Federal authorities. Ogden promptly obtained an injunction against Gibbons' ferry boat on the ground that his own rights had been invaded, and the Court of Errors sustained him because the case, in its opinion, presented no conflict between state and national laws and jurisdiction.

Gibbons appealed to the Supreme Court of the United States. He secured the services of Daniel Webster as counsel to aid the Attorney-General,[1] and Webster's argument at last placed before the country's highest tribunal a clear picture of the existing and intolerable conditions. Judgment, as pronounced by Chief Justice John Marshall, was rendered for Gibbons, and by that decision the navigable waters of the nation were at last opened to the free use of all men. State lines as a barrier to the movement of the people were swept away, steam vehicles were removed from classification with obscene books and contagious diseases, and the principle of unhampered interstate travel and transportation and commerce by mechanical methods was established.

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[1] Wirt.

CHAPTER XXII

CONDITIONS JUST PRIOR TO THE FIRST APPEARANCE OF A MODERN TRAVEL AND TRANSPORTATION SYSTEM — ORIGIN OF THE FEDERAL DOMAIN OF PUBLIC LANDS — FINAL PHASE OF THE CONTEST BETWEEN RED MEN AND WHITE — ATTITUDE OF THE GOVERNMENT TOWARD THE INDIANS BETWEEN 1795 AND 1830 — RECOGNITION OF INDIAN SOVEREIGNTY — CAUCASIAN SETTLEMENTS SEPARATED FROM EACH OTHER BY NATIVE TERRITORIES — PERMISSION FOR WHITE TRAVEL THROUGH INDIAN REGIONS OBTAINED BY TREATY — HOW THE SCATTERED SECTIONS OF THE NEW REPUBLIC WERE JOINED BY NATIVE CONSENT — SOME RESULTS OF THE WHITE DIPLOMACY — GENERAL HARRISON'S REPORT OF 1801

WHILE the people had thus been engaged in their effort to secure an unhampered use of steam propelled vehicles on the natural water systems of the country there had also been progressing a complex series of other events destined to have powerful influence on the land movement of the population and on all future phases of their development. Those things had to do with the acquirement of the Federal domain—or public lands—the final phase of the conflict between red men and white, and the acts of government[1] which accompanied a steadily increasing realization that river transportation alone could not meet the needs of the rapidly growing nation. The matters about to be discussed, in a word, reveal the methods by which all territory east of the Mississippi was unified under Caucasian influence, first united by overland highways, and finally brought into a situation which permitted the creation of a modern travel and transportation system in the shape of turnpikes, canals and railroads.

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[1] Both national and state.

It is possible that the conditions now to be outlined, and certain described events, policies and acts which grew out of those conditions, have had a more intimate relation to the later affairs of the republic and the character of its inhabitants than is ordinarily accorded to them. The manner in which the American republic grew during the years now under review—from 1795 until about 1835 or 1840—and some of the methods by which its government obtained for its citizens the right to travel and spread over the face of the country, constitute a phase of history that has been somewhat neglected.[1] The generation and a half embraced within the years specified was a period of national character formation; a time during which the young eagle outgrew its pin-feathers, tested its wings and soared away toward an unknown destiny. We now seek to discover the direction of its first flight.

The military and political battles of the forty or forty-five years subsequent to 1795 are familiar, but they are not the basic annals of that epoch. Its real history, as is the case with respect to all periods of all nations, is a tale of the ambitions, aversions, high endeavor, selfishness and intrigues of men; not a record of the desperate struggles in which those human qualities reach brief but spectacular culmination. So for the purpose of these pages we need only concern ourselves with certain manifestations of the

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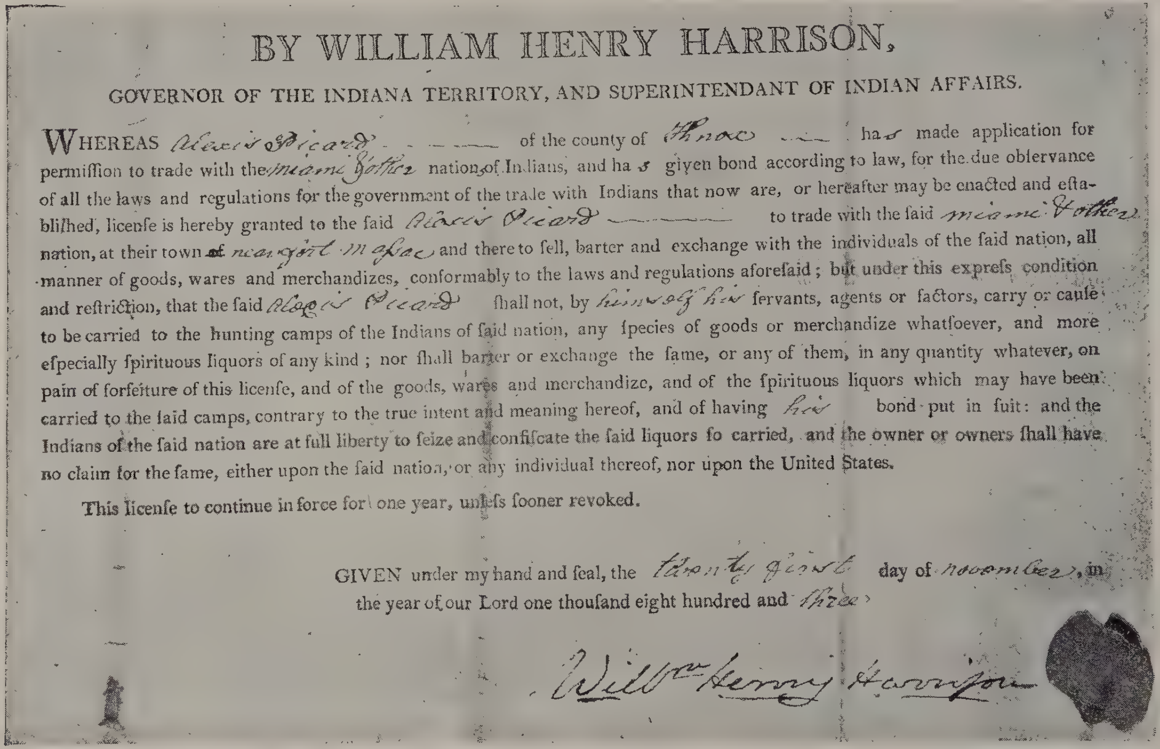
[1] When compared with the attention and literature devoted to other epochs both before and after the one mentioned.



BY WILLIAM HENRY HARRISON,

GOVERNOR OF THE INDIANA TERRITORY, AND SUPERINTENDANT OF INDIAN AFFAIRS.

WHEREAS Alexis Picard of the county of Knox has made application for permiſſion to trade with the miami & other nation of Indians, and has given bond according to law, for the due obſervance of all the laws and regulations for the government of the trade with Indians that now are, or hereafter may be enacted and eſtabliſhed, licenſe is hereby granted to the ſaid Alexis Picard to trade with the ſaid miami & other nation, at their town ~~at~~ near fort masac and there to ſell, barter and exchange with the individuals of the ſaid nation, all manner of goods, wares and merchandizes, conformably to the laws and regulations aforeſaid; but under this expreſs condition and reſtriction, that the ſaid Alexis Picard ſhall not, by himself his ſervants, agents or factors, carry or cauſe to be carried to the hunting camps of the Indians of ſaid nation, any ſpecies of goods or merchandize whatſoever, and more eſpecially ſpirituous liquors of any kind; nor ſhall barter or exchange the ſame, or any of them, in any quantity whatever, on pain of forfeiture of this licenſe, and of the goods, wares and merchandize, and of the ſpirituous liquors which may have been carried to the ſaid camps, contrary to the true intent and meaning hereof, and of having his bond put in ſuit: and the Indians of the ſaid nation are at full liberty to ſeize and confiſcate the ſaid liquors ſo carried, and the owner or owners ſhall have no claim for the ſame, either upon the ſaid nation, or any individual thereof, nor upon the United States.

This licenſe to continue in force for one year, unleſs ſooner revoked.

GIVEN under my hand and ſeal, the twenty first day of november, in the year of our Lord one thouſand eight hundred and three

Willm Henry Harrison

128.—The license of an Indian trader. These documents, giving white men the right to transact business with Indians, played a part of much importance in the Caucasian system for ousting the natives from their possessions. This and the succeeding twenty-two illustrations, to No. 150 inclusive, are designed to indicate the process by which the white race secured ownership of the Mississippi valley and much of the South. The subject is treated in Chapters XXII to XXIX.

popular feeling of the time, and with various acts of government that likewise reflected the underlying attitude of the English speaking race. A brief consideration of those things will make clear the strange embarrassments amid which the white men entangled themselves during the period wherein a need for increased methods of land travel and transport became acute. Such a survey will also reveal the way whereby the country finally solved the problems that its need created. The necessity faced by the whites was imperative if they were to march toward greater territorial dominion and economic development, but the tale of the means they took in accomplishing their purpose is not in all degrees a pleasant one.

The battle of Fallen Timbers, in the year 1794, indicated the end of the long era in which organized physical resistance was a chief method used by the Indians to retard Caucasian movement. With the Treaty of Greenville, following within a year as the result of the defeat of the confederated Indians at Fallen Timbers, began the second aspect of the contest between the two races. The final phase of that struggle continued until about 1840, and was marked, it is true, by occasional brief outbreaks of warfare,[1] but its most significant feature—on the Indian side—was a widespread and earnest effort by native tribes both of the North and South to adopt a new order of life and social customs patterned in many respects after the organized society of the white people around them. The distinguishing features of the Caucasian attitude, on the other hand, were a persistent effort to secure freedom of travel in Indian territory by negotiation, and an equally insistent attempt to obtain title to native territory by purchase through means of international treaties. Out of these conflicting aspirations finally grew a situation deplorable to the red inhabitants in its material results and perhaps equally unfortunate, in its moral consequences, to their victorious opponents. To the white participants in the struggle, however, came economic benefits of such enormous worth that the moral cost of their purchase was not then observed. The end of the contest found the Caucasians in undisputed ownership of all the territory east of the Mississippi River; with a right to move wheresoever they chose in that region without hindrance; and with a national treasure, in the shape of governmentally owned land, having value almost beyond comprehension. The course of events leading to the situation thus summed up bore a constantly intimate relation to the travel system that was expanding at the same time, and also to the government's position toward transportation facilities and their later growth.

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[1] Such as the campaign which ended at the Battle of the Thames in 1811, and Black Hawk's War in 1832.

It was admitted by the Federal government during the forty years from its organization in 1789 until about 1830, that purchase from European nations of political claims over additional territory, or the addition of more land to the national domain through the cessions made by states, did not carry with it a sovereignty over the Indians, or ownership of soil, or the unrestricted right to penetrate, for purposes of travel or trade, through the regions so obtained. Nothing could be further from the truth than the supposition that white Americans, after the adoption of the Constitution, were at liberty to travel wheresoever they pleased in what they called their own country. There were some districts in which they were not allowed at all; other immense tracts that they were only permitted to cross by the treaty consent of Indian governments and in which they had to proceed without pause by certain designated paths; and still others to which access could be rightfully and safely gained only by passport.

From the establishment of constitutional government the Republic conceded that the various nations and tribes of red natives were separate peoples vested with sovereignty over themselves and with rightful ownership and sovereignty over the areas they occupied. The only respect in which the Indians' sovereignty over themselves may be said to have been questioned was in the matter of selling their lands, for they were always asked to refrain from disposing of their territory to any other foreign state except the United States of America. But since the United States always established friendly relations with Indian nations through formal treaties negotiated by plenipotentiaries or commissioners appointed by both sides for the

Dog train of the North West

129.—Indian traders and others who were confronted by the necessity of winter travel sometimes used sleds drawn by dogs while getting about the country now embraced in Ohio, Indiana and Illinois. Unless they employed dogs they had to go on snow-shoes. The "North West" meant by the engraver was the country north of the Ohio River.

purpose—as was the practise of the Republic in dealing with other independent countries—and since a clause was placed in each foundation treaty with an Indian nation to define the land selling agreement here alluded to, it follows that the United States thereby admitted the sovereign right of the Indians to sell lands to whomsoever they pleased in the absence of a treaty proviso to a contrary effect. Otherwise such a stipulation would have been unnecessary. The language of those treaties was written by the white men, and sometimes the red peoples were designated as "republics," "nations" or "confederations," and their executives as "kings," or "councils."[1] In short the situation created through the simultaneous occupation of the country by two radically different races was one—between 1789 and 1830—such as presaged the troubles that were later to arise. The rapidly growing Caucasian nation held a loose political power over half a continent, and yet acknowledged that it did not either rightfully occupy or own a large part of the soil over which its flag waved, and that its citizens could not move unrestrictedly about, either on river or land, of their own free will. To the north of the white confederacy, on its south and west as well, and even in its midst, dwelt other independent nations that had been there from time immemorial, that still owned the soil, and prescribed laws for the government of their own communities.

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[1] The first treaty between the United States of America and any Indians was that of 1778 with the Delawares. It was a "Confederation entered into by the Delaware Nation and the United States." Article VI said: "Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion that it is the design of the States aforesaid to extirpate the Indians and take possession of their country; to obviate such false suggestion the United States do engage to guarantee to the aforesaid nation of Delawares, and their heirs, all their territorial rights in the fullest and most ample manner . . . And it is further agreed on between the contracting parties should it for the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends to the interest of the United States to join the present confederation and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress; Provided, nothing contained in this article to be considered as conclusive until it meets with the approbation of Congress."—"Indian Affairs: Laws and Treaties. Compiled and edited by Charles J. Kappler, Wash., 1904. Senate Doc. 319: 58th congress, 2nd session."

Those dark-skinned peoples had formerly been opponents of the whites in either an active or passive sense, but had seen the uselessness of forcible opposition to them and were even adopting, in some localities, various methods of social and industrial life introduced by the invading millions. The newer Americans, on the other hand, knew they could finally exterminate the remaining red men by force of numbers if they chose to do so. But that policy would have required another generation or two of warfare and they were not inclined to follow such a plan. They believed they could acquire the country by using methods no less effective and more peaceable. So they abandoned advance by force of arms, admitted the sovereignty and soil ownership of the Indians, and set forth on a program of diplomacy under which the Indians were to be treated as ostensible friends and neighbors and through which the native possessions were to be secured by purchase and pressure as speedily as possible. Permission was also to be obtained for the establishment of white men's routes of travel over those numerous sections of Indian territory intervening between white communities.

Those two policies of the government—the systematic buying of native lands and the securing of public travel privileges across such extensive territories as could not at once be bought—were usually carried out simultaneously whenever possible, by means of the treaty method. The treaty of Greenville itself, in 1795, furnished one of the largest early opportunities[1] for pursuing the purposes in

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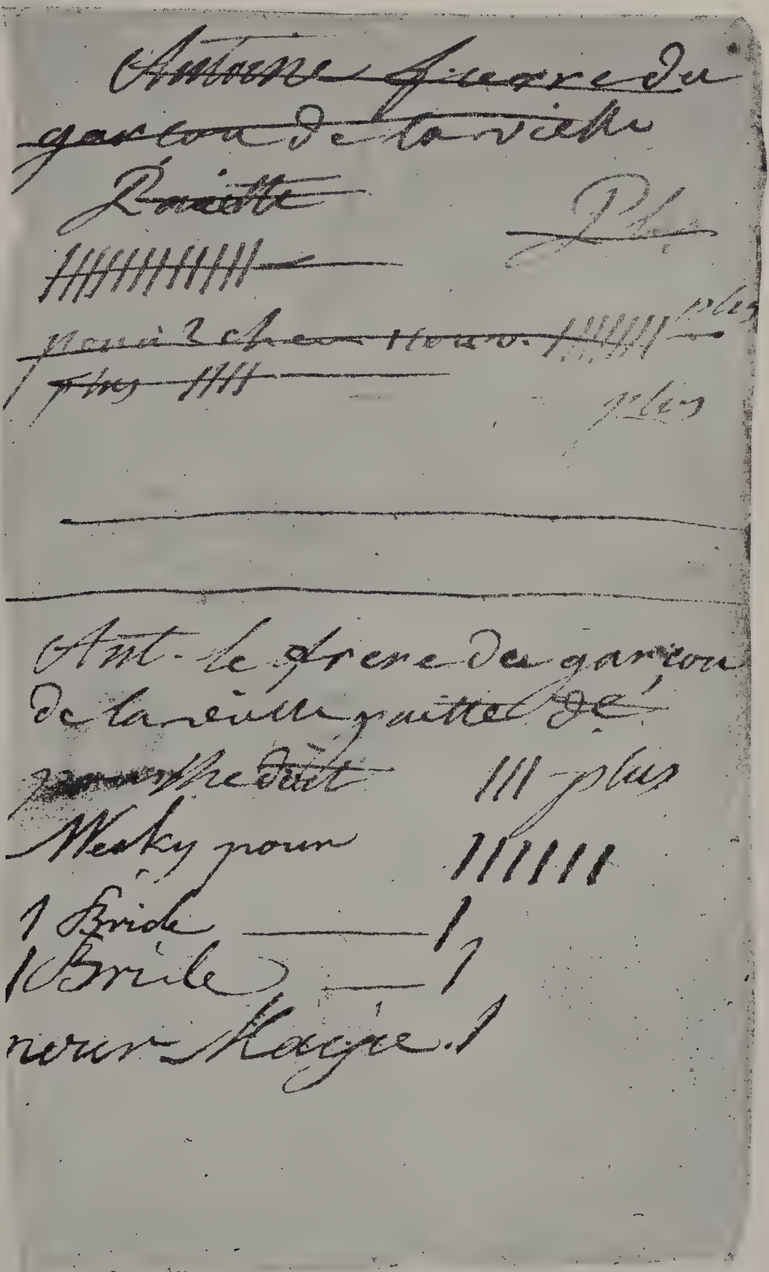
[1] Though not the first. Title to some of the soil now embraced within the limits of the southern states east of the Mississippi had been previously gained through the following treaties, negotiated prior to 1795 by the Congress of the Confederation and the Constitutional government:

With the Cherokees on Nov. 28, 1785.
With the Choctaws on Jan. 3, 1786.
With the Chicasaws on Jan. 10, 1786.
With the Creeks on Aug. 7, 1790.
With the Cherokees on July 2, 1791.
With the Cherokees on June 26, 1794.

And soon after the Treaty of Greenville still other fragments of the South were bought by the following treaties:

With the Creeks on June 29, 1796.
With the Cherokees on Oct. 2, 1798.
With the Chickasaws on Oct. 24, 1801.



~~Antoine frere du~~
~~garcon de la vieille~~
~~Rouitte~~ ~~Plus~~
~~||||||||||||~~
~~pour 2 chez Howo. |||||||~~ plus
~~plus ||||~~
plus

Ant. le frere du garcon
de la vieille paittel ~~de~~
~~pour chedait~~ ||| plus
Weskey pour ||||||
1 Bride —— 1
1 Brile —— 1
pour Hache. 1

130.—Typical page from an account book kept by an Indian trader in the Indiana country. Date, 1801-1802. Showing the indebtedness of an Indian who had owed $76, of which $12 was for whisky, whose sale to natives was forbidden. The account and the bookkeeping method are mentioned in Chapter XXIV.

question. Its provisions gave the United States title to about two-thirds of the present state of Ohio,[1] and a considerable tract of country now embraced in Indiana.

But though the gaining of land ownership by the whites then seemed to be the most important feature of international negotiations with the red men, it is safe to say that the acquirement of travel privileges through Indian regions was no less essential to the future development of the new American union of states. Certain it is that the permission for white movement thus constantly requested and given reveals the dependence of the new nation on the tolerance of those older peoples it was seeking to displace. In a geographical sense, and with relation to methods of overland intercommunication, the settled districts of the white men found themselves but poorly bound together after constitutional government emerged from political chaos. Throughout all parts of the country, except in the sections along the Atlantic seaboard, there lay independently governed and alien-owned areas, sometimes extensive in size, that formed barriers between districts in which the white men possessed both soil and political sovereignty.

Travel into these independent foreign domains was not a right possessed by the white Americans. Yet without an unrestricted opportunity for white men to pass to and fro between all their own settlements there could be no broad development, no social and industrial progress of the whole Caucasian body of population according to its own methods. Hence the series of treaty provisos by which, from 1795 until 1830, the American government secured for its own citizens the establishment of white men's travel routes through Indian possessions. The diplomatic campaign in question brought about a constant intermingling of the two races east of the Mississippi; surrounded the sovereign nations of red men with ever larger white communities; progressively introduced among the natives those practises of Caucasian society which drained the Indians' strength and depleted their numbers; and finally rendered their further close contact with the whites, and its attendant ills, intolerable to them. Whenever that situation came about, as it unremittingly did in some locality or other, the natives were willing to sell their lands to the white government and go elsewhere. Indeed, it was more than willingness that then impelled them to such action; it was necessity; the instinct and need of self-preservation.

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[1] Nearly 17,000,000 acres in that state.

Those were some of the circumstances accompanying and following the plan by which, between 1789 and 1830, new travel routes were obtained to connect the possessions of the Caucasians. During the later years of the period in question, and as one means of inducing the Indians to grant desired privileges, the United States government by ambiguous treaty language sometimes led the natives to believe they were approaching citizenship in the white republic with a right to representation in its national legislature.

It is apparent, then—provided acts and events can be cited to sustain the suggestions here set forth—that the subjects: (1) of Caucasian purpose, (2) of native rights and aspirations, (3) of race conflict, (4) of land travel by white men, (5) of the Federal ownership of land, (6) of governmental attitude toward further traffic facilities, and (7) of the moral, social and economic development of the American nation were, during the era discussed, very intimately allied. In fact they were so inextricably interwoven that no important event could then occur or public policy be formulated in connection with any one of them which did not also affect all the others in greater or less degree. And since they were so connected it is perhaps wiser not to deal with every phase of the subject separately, but to review various incidents of the period somewhat in chronological order. Each narrated circumstance will fall into its proper place as the story unfolds. One thing, however, should be kept in view. The first and fundamental purposes of the new nation were acquirement of land and of permission for its citizens to travel in regions it could not immediately buy. Those later results of the government's methods and vacillation, including problems growing out of Federal ownership of territory and adoption by the people of certain moral, social and economic standards; and embarrassments which finally brought the country within sight of disturbances amounting to civil war, were natural and perhaps inevitable outgrowths of early acts in the general policy pursued.

Reference has been made to the battle of Fallen Timbers and the resultant treaty of Greenville[1] as jointly marking the commencement of the epoch now considered, and no better method of revealing the white man's attitude at that time can be chosen than by citing various passages from the compact which followed General Wayne's campaign.[2] That document, after transferring title in more than 26,000 square miles of Indian territory to the government, went on to say[3] " . . . the United States relinquish their claims to all other lands northwest of the river Ohio, eastward of the Mississippi and westward and southward of the Great Lakes and the waters uniting them . . ."[1] The jurisdiction of the natives over white men in Indian countries was recognized by the following statement:[2] "If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe on whose land the settlement shall be made may drive off the settler, or punish him in such manner as they shall think fit."[3] The United States was also granted the right to destroy illegal white settlements and to remove and punish the offenders, on the ground that such invasions of Indian territory would be injurious to the Caucasian nation as well as to the natives.

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[1] The Indian nations subscribing to the treaty were the Wyandots, Delawares, Shawnees, Ottawas, Chippewas, Potawatomi, Miamis, Eel-rivers, Weas, Kickapoos, Piankashaws and Kaskaskias.

[2] Quotations from treaties between the United States and various Indians that are given in the text are taken from the Government's publication on that subject. The work is entitled "Indian Affairs, Laws and Treaties. Compiled and edited by Charles J. Kappler. Senate Document 319, 58th Congress, 2nd Session." The edition is that of 1904.

[3] In article IV.

Now the negotiation of this treaty, in 1795, created a formidable barrier of alien-owned and independent territory between various long-established white communities and others of more recent origin. To the eastward of the described Indian domain lay a part of Ohio, Pennsylvania, and all the Atlantic coast region. South of it were the Ohio River, Kentucky, and Tennessee, already in the grasp of the Caucasians. Toward the north were Detroit and Lakes Erie and Michigan, with their obvious importance, and in the west were the Illinois towns won by Clark, and the upper Mississippi River. These possessions of the United States were all separated from one another, and part of them were cut off from the bulk of white population in the East by a region that now includes about one-third of Ohio and practically all of Indiana and Illinois, yet access to them from the East and South, and constant communication between them, was vital to the white republic. There were as yet no roads in the country described, and the only travel routes by which such intercourse could be carried on were Indian trails and the rivers.

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[1] Certain small tracts excepted.

[2] In article VI.

[3] It is interesting in this relation to remember that only within comparatively recent times has the United States acknowledged that Japan possessed the right, through her own judicial processes, to deport or otherwise punish American citizens who might act contrary to the laws of that country or who might be undesirable sojourners therein.

But these forest paths and streams were in acknowledged ownership of the red men, and could not be used without their permission. The white settlements in the then western and northwestern sections of the country were thus isolated from one another, and from the East, unless a concession for white travel was obtained from the natives. Consequently this favor was sought and granted, and a considerable part of the treaty of Greenville was devoted to a careful description of the precise routes through aboriginal territory over which the Indians consented that white men might journey. In the language of the compact[1] ". . . the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country" (1) along the route from the Ohio River northward by way of the Great Miami, across the Ft. Wayne portage and thence down the Maumee[2] to Lake Erie; (2) from the portage at Loromie's Store[3] to the Auglaize River, and down the Auglaize to Fort Defiance; (3) from the same portage to the Sandusky River, down that river to Lake Erie, thence to the mouth of the Maumee and thence to Detroit; (4) from the mouth of the

[1] Article III. The long and detailed description of the five travel routes therein granted to white men is here condensed. A study of any map of the territory involved will disclose the importance of the travel-rights concession of 1795 in its relation to later Caucasian expansion and movement.

[2] Then called the "Miami of the Lakes."

[3] On a branch of the Great Miami.

Chikago[1] to the portage between that river and the Illinois, and thence over the portage and down the Illinois to the Mississippi; (5) from Ft. Wayne along the portage leading to the Wabash, and thence down the Wabash to the Ohio."

So it is seen that the pale-faced Americans—even after the final organization of their present political government and its theoretical extension to the Mississippi River—were far from having the right to go whithersoever they chose in the so-called United States. Other sovereignties lay scattered about between the Atlantic and the Father of Waters. If they were penetrated by a white man desirous of reaching some point beyond them, he had to follow a definitely prescribed path from which he could deviate only at his own peril. If he tarried on his way, and undertook to establish himself on forbidden soil he placed himself beyond the recognition or aid of his own government. Even his life was forfeit if the people whose rights he had invaded chose to take it. They could "punish him in such manner as they shall think fit"; he was "out of the protection of the United States."

These five travel routes, so obtained, linked together the white outposts of the Northwest and united them with the old communities to the eastward. Over them, for years thereafter, proceeded white movement in the region so penetrated, by canoe, flatboat, pack-train and moccasin-clad human feet until the forest trails at last became roads fit for vehicles, and little flat-bottomed steamboats puffed on the shallow rivers.

Some of the first results attending the acquirement of travel privileges through native territory, as has been said,

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[1] The Chicago River.

131.—Following the traders into the interior came overland caravans of white settlers, while others floated down the rivers. The white settlers destroyed or drove away the game, making it impossible for the Indians to pay the traders by means of furs. A wagon caravan marching beside a small stream.

were an intermingling of the two races east of the Mississippi, the surrounding of red men by constantly growing white communities and the introduction, among the natives, of Caucasian practises harmful to Indian welfare. These consequences were more speedily visible and more widespread in the North than in the South, and may well be described by quoting from a document but lately discovered. The paper in question is a report dated at Fort St. Vincent,[1] July 15, 1801, and addressed by General William Henry Harrison to the Secretary of War.[2]

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[1] Vincennes, Indiana.

[2] Hitherto unpublished, and now in possession of the Indiana State Library. The document is one of several thousand records, letters and manuscripts dealing with the early history of the Northwest Territory and states. They were the accumulation of General Hyacinthe Lasselle and his descendants, and, being but recently acquired by Indiana, had not been classified in 1913. General Harrison's report appears to be either a preliminary draft of the communication or else a copy made for purposes of office record. The War Department, referring to the document in question, says in a letter to the Indiana State Library under date of March 4, 1912: "An exhaustive search of the records on file in the War Department has resulted in failure to find the letter referred to or any record of it." Hence it is possible that General Harrison eventually decided not to send the document. If he did, then the copy received by the Government at Washington has been lost.

Perhaps no similar statement of the time, prepared by a man personally familiar with the matters discussed, presents in so clear a manner the condition of the frontier country and so dispassionately allots responsibility for it. The text of the document is as follows:[1]

FORT ST. VINCENT, July 15, 1801.

To the Secretary of War:—

For the last ten or twelve weeks I have been constantly engaged in receiving visits from the Chiefs of most of the Indian Nations which inhabit this part of the Territory. They all profess and I believe that most of them feel a friendship for the United States, but they make heavy complaints of ill treatment on the part of our Citizens. They say that their people have been killed, their lands settled on, their game wantonly destroyed, & their young men made drunk & cheated of the peltries which formerly procured them necessary articles of Cloathing, arms and amunition to hunt with.

Of the truth of all those charges I am well convinced. The Delaware Chiefs in their address to me mentioned the loss of six persons of their nation since the treaty of Greenville having been killed by the White people & I have found them correct as to number. In one instance however the White boy who killed the Indian was tried and acquitted as it was proved that it was done in self defense. In another instance the murderer was tried and acquitted by the Jury, altho it was very evident that it was a cruel and inprovoked murder. About twelve months ago a Delaware was killed in this Town by a Citizen of the Territory against whom a bill has been found by the grand jury. He has however escaped and it is reported that he has gone to Natchez or New Orleans.

But the case which seems to have affected the Indians more than any other is the murder of two men and one woman of this same nation about three years ago. This cruel deed was perpetrated on this side of the Ohio, forty or fifty miles below the falls & is said to have been attended with circumstances of such atrocity as almost to discredit the whole story were it not but too evident that a great many of the Inhabitants of the Fronteers consider the murdering of Indians in the highest degree meritorious. The story is this. About three years ago two Delaware men and a woman were quietly hunting in the neighborhood of the Ohio, I believe on the waters of Blue river. Their Camp was discovered by two men I think of the name[2] of * * * * brothers. And these * * * * mutually determined to murder them for the purpose of possessing themselves of about fifty dollars worth of property and the trifling equipage belonging to the hunting camp of a Savage. They thought it too dangerous to attack them openly as one of the Indians well known to the white people by the name of Jim Galloway or Gilloway, was remarkable for his strength and bravery. They approached the camp as friends & as I am toled they have since confessed asked leave to stay at the Indians Camp and hunt for a few days. Their request was granted & they remained until a favorable opportunity offered to carry their design into effect & then the Indians were murdered. Although they were missed by their friends it was a long time before their fate was ascertained. The murderers thinking themselves safe from the length of time which had elapsed, now begin to talk of the affair, and one of them is said to have declared that he was very nearly overpowered by the Indian after he had wounded him, that he had closed in with him and the Indian was on the point of getting the better of him when his brother to whom the murder of the other Indian had been committed came to his assistance.

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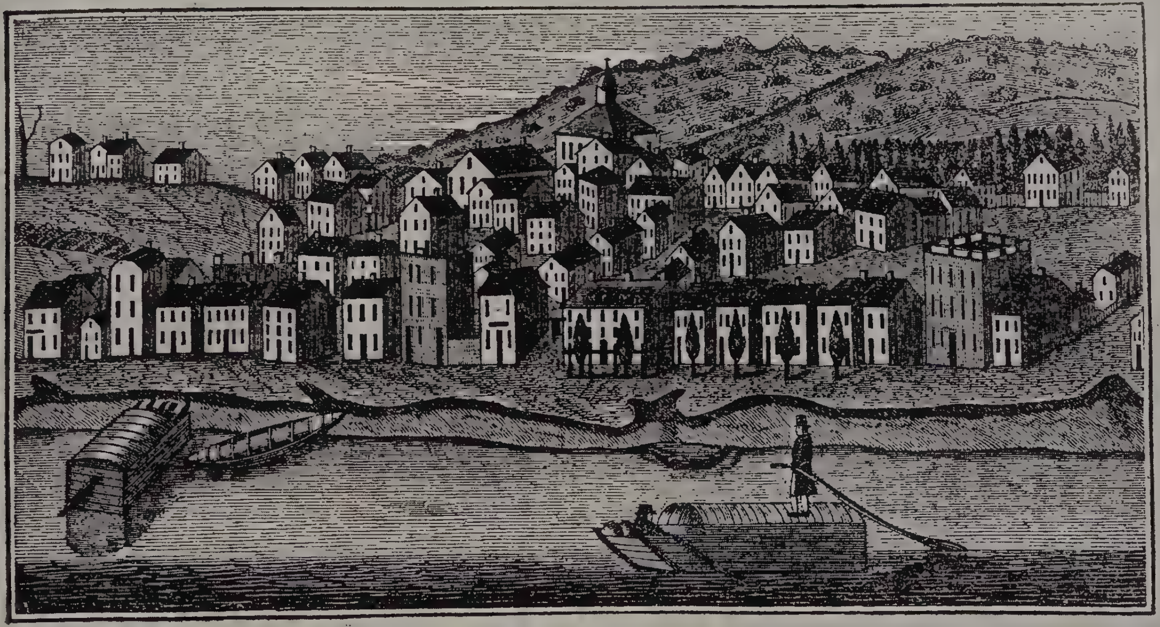
[1] With the exception of three paragraphs at the close, dealing more with minor details than questions of broad policy.

[2] The name is given in the manuscript, but is here omitted.

Although I am convinced that the facts above stated are all true, yet so difficult is it to get testimony in a case of this kind, that I have not as yet been able to get the necessary depositions on which to ground an application to the Executive of Kentucky for the delivery of these people to Justice.

Whenever I have ascertained that the Indian boundary line has been encroached on by the white people I have caused the Intruders to withdraw. But as the boundary line separating the Indian land from that to which the title has been extinguished has not been run, nor the manner in which it is to run precisely ascertained either at this place or in the country on the Mississippi called the Illinois, it is impossible to tell when encroachments are made on the Indians at those two places. As this is an object of considerable importance to the Citizens of the Territory I must beg you Sir to obtain the directions of the President to have it done as soon as possible. The people have been about petitioning Congress on this subject untill it was observed that the President was authorized by law to cause all the boundaries between the lands of the U. N. States & the Indian tribes to be ascertained and marked. Untill their boundaries are established it is almost impossible to punish in this quarter the persons who make a practice of Hunting on the lands of the Indians in violation of law and our treaty with that people.

This practice has grown into a monstrous abuse. Thousands of the wild animals from which the Indians derive their subsistance have been destroyed by the white people. They complain in their speeches to me that many parts of their Country which abounded with game when the general peace was made in 1795 now scarcely contains a sufficiency to give food to the few Indians who pass through there. The people of Kentucky living on the Ohio from the mouth of the Kentucky river down to the Mississippi make a constant practice of crossing over



CINCINNATI IN 1810.

132.—The whites established permanent settlements along the rivers, on land bought from the natives through treaties or taken from them after outbreaks of border warfare.

on the Indian lands opposite to them every fall to kill deer, bear, and buffaloe, the latter from being in great abundance a few years ago is now scarcely to be met with in that whole extent. One white hunter will destroy more game than five of the common Indians, the latter generally contenting himself with a sufficiency for present subsistance, while the other, eager after game, hunt for the skin of the animal alone.

All these Injuries the Indians have hitherto borne with astonishing patience but altho they discover no disposition to make war upon the United States at present, I am convinced that most of the tribes would eagerly seize any favorable opportunity for that purpose & should the United States be at war with any of the European nations who are known to the Indians there would probably be a combination of nine-tenths of the Northern Tribes against us Unless some means are made use of to conciliate them. The British have been unremitted in their exertions to preserve their influence over the Indians resident within our Territory ever since the surrender of the Forts upon the Lakes & those exertions are still continued. Last year they delivered a greater quantity of goods to their Indians than they have been ever known to do, and I have been lately informed that talks are now circulating amongst them [1] which are intended to lessen the small influence we have over the Indians. I cannot vouch for the truth of this report, but I think it very probable that the British will redouble their efforts to keep the Indians in their Interest as a means of assisting them in any designs they may form against Louisiana,[2] which it is said will be shortly delivered up to the French.

I have had much difficulty with the small tribes in this immediate Neighborhood, viz, the Peankashaws, Weas & Eel river Indians. These three tribes form a body of the greatest Scoundrels in the world. They are dayly in this town in considerable numbers and are frequently intoxicated to the number of thirty or forty at once. They then commit the greatest disorders, drawing their knives and stabing every one they meet with, breaking open the Houses of the Citizens, killing their Hogs and cattle and breaking down their fences. But in all their frolicks they generally suffer most severely themselves. They kill each other without mercy. Some years ago as many as four were found dead in the morning & altho these murders are actually committed in the streets of the town yet no attempt to punish them has ever been made. This forbearance has made them astonishingly insolent & on a late occasion (within 8 weeks) when one of these rascals had killed without provocation two of the Citizens in one of the Traders Houses in this place, & it was found impossible to apprehend him alive, he was put to death. This piece of Justice so exasperated those of his tribe in the neighborhood that they actually assembled in the borders of the town with a design to seize some favorable opportunity of doing mischief. The Militia were ordered out and their resentment has subsided.[1]

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[1] Among the Indians. A "talk" was a message or communication, either verbal or written.

[2] Meaning the whole territory west of the Mississippi River.

Should you think proper to garrison Fort Knox with a small body of troops it will be the means of keeping the Indians under much better controle when they come here to trade & would enable the civil magistrates to punish those who violate the laws. Indeed I do not think that a military force is so necessary on any part of the fronteers as at this place. The inhabitants tho fully able to repulse them when aware of their designs are constantly in danger from their treachery. Five Hundred Warriors might introduce themselves into the settlement undiscovered by the White people & after doing all the mischief in their power might make their escape with as much facility. I do not indeed apprehend in the least that the neighbouring tribes have any inclination to make open war upon us. I fear only the effect of some sudden resentment arising from their constant intercourse with the people of this town. In this intercourse causes of irritation are constantly produced. Twice within a few months an appeal was made to arms by both parties, one occasioned by some drunken Indians attempting to force a House in which one was killed and another wounded, the other at the time when the two white men were killed as above mentioned. Luckily however no other mischief was done in either instance.

The Indian Chiefs complain heavily of the mischiefs produced by the enormous quantity of whiskey which the Traders introduce into their Country. I do not believe there are more than six Hundred Warriers upon this River[2] and yet the quantity of whiskey brought here annually for their use is said to amount to at least six thousand Gallons. This poisonous liquor not only incapasitates them from obtaining a living by Hunting but it leads to the most atrocious crimes. Killing each other has become so customary amongst them that it is no longer a crime to murder those whom they have been most accustomed to estem and regard. Their Chiefs and their nearest relations fall under the strokes of their Tomhawks & Knives. This has been so much the case with the three Tribes nearest us, The Peankashaws, Weas, & Eel River Miamis, that there is scarcely a Chief to be found amongst them.[3] The Little Beaver, a Wea Chief of note well known to me was not long since murdered by his own son. The Little Fox, another Chief who was always a friend to the white people, was murdered at mid day in the streets of his town by one of his own nation.

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[1] In such cases, which were constantly occurring along the border, the tribes to which the involved Indians belonged generally asserted that the offending warrior had purposely been made drunk that the white trader might coax him into buying, on credit, goods which he would not have bought when sober, or else that he might be cheated in respect of prices. When the debts of the Indians had piled up to large proportions they had no way of paying except by selling more land to the Government and then turning all, or nearly all, of their cash proceeds over to the traders.

[2] The Wabash.

[3] Which probably accounts, in some measure, for the trouble due to those particular Indians, previously mentioned. The whisky resulted in affrays, the Chiefs lost their lives in trying to quell the drunken warriors, and the tribes lost the restraint exercised by the Chiefs.

All these Horrors are produced to these Unhappy people by their too frequent intercourse with the White people. This is so certain that I can at once tell by looking at an Indian whom I chance to meet whether he belong to a Neighbouring or a more distant Tribe. The latter is generally well Clothed, healthy and vigorous, the former half naked, filthy and enfeebled with Intoxication, and many of them without arms except a knife which they carry for the most vilanous purposes. The Chiefs of the Kickapoos, Sacks and Potawatimies, who lately visited me, are sensible of the progress of these measures and their Views amongst themselves, which they are convinced will lead to utter exterpation and earnestly desire that the introduction of such large quantities of whiskey amongst them may be prevented.

Whether some thing ought not to be done to prevent the reproach which will attach to the American Character by the exterpation of so many human beings, I beg leave most respectfully to submit to the Consideration of the President. That this exterpation will happen no one can doubt who knows the astonishing annual decrease of these unhappy beings.

The Delawares are now making an other attempt to become agriculturists. They are forming settlements upon the White river, a branch of the Wabash, under the conduct of two Missionaries of the Society of "The United Brethren for propagating the gospel amongst the Heathens" otherwise Meravians.[1] To assist them in this plan the Chiefs desire that one-half of their next annuity may be laid out in implements of agriculture and in the purchase of some domestic animals as Cows and Hogs. The Kaskaskias and Peankashaws request the same thing,[2] and the Patawatimies wish a few horse-hoes may be sent with their goods.

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[1] General Harrison, of course, meant "Moravians."

[2] Yet the Piankashaws were one of the three tribes named by the General as giving him the most trouble because of their drunkenness. Evidently even they were willing to make a last effort for self-preservation.

CHAPTER XXIII

PURCHASE OF INDIANA AND ILLINOIS — THE GOVERNMENT PREVENTS WHITE MEN FROM GIVING ADVICE TO INDIANS — LAWS OF INDIANA TERRITORY ON THE SUBJECT — FAILURE OF TECUMSEH'S PLAN TO CHECK CAUCASIAN ADVANCE — HOW THE SANTE FÉ TRAIL, THE MICHIGAN ROAD AND OTHER WHITE TRAVEL ROUTES WERE OBTAINED THROUGH NATIVE CONSENT — EXPERIENCES OF THE SHAWNEES OF OHIO — THE STRANGE WYANDOT TREATY — ORIGIN OF THE WAR OF 1832

THE process of acquiring title to the soil now embraced in the state of Indiana, which was begun at Greenville in 1795, was resumed soon after Harrison's report of 1801. In 1803 the Delawares sold a large extent of Indiana territory through the treaty of Fort Wayne, and in the following year the same native nation, in conjunction with other tribes, granted another extensive and adjacent region to the United States. The Federal Congress, in 1804, also passed an act again acknowledging Indian ownership of their lands.[1] This law marked the first official step in the plan for ousting the Indians, in bulk, from their eastern possessions to country west of the Mississippi, and declared that "the President of the United States is hereby authorized to stipulate with any

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[1] In the law of March 26, by other sections of which a part of the Louisiana Purchase was erected into the "Territory of Orleans," to be governed by a legislature of thirteen members appointed by the President.

Indian tribe owning lands on the East side of the Mississippi, and residing thereon, for an exchange of lands the property of the United States, on the West side of the Mississippi, in case the said tribe shall remove and settle thereon."[1]

Almost the whole eastern portion of the present state of Illinois had been obtained by the treaty of Vincennes in 1803. That compact was negotiated with "the Kaskaskia tribe of Indians so called, but which tribe is the remains and rightfully represent all the tribes of the Illinois Indians."[2] The document said[3] ". . . Finding themselves unable to occupy the extensive tract of country which of right belongs to them and which was possessed by their ancestors for many generations, the chiefs and warriors of the said tribe . . . have, for the considerations hereinafter mentioned, relinquished and by these presents do relinquish and cede to the United States all the lands in the Illinois country . . . "

The price paid for the eastern part of Illinois by the United States was:

1. Sixteen hundred and thirty acres of land within the territory ceded, which was to "remain to them [the Indians] forever";
2. A fence around one hundred acres of the land thus re-ceded to the Indians;
3. A house for the chief;
4. An annuity of $1,000 a year to the tribe;
5. A clergyman and teacher for seven years at a salary of $100 a year;
6. A church to cost $300;

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[1] Section XV. For text of this and other laws quoted in this chapter, not otherwise identified, see "Laws of the Colonial and State Governments relating to Indians and Indian Affairs, from 1633 to 1831. . . . And the Laws of Congress from 1800 to 1830 on the same subject. Washington, 1832."

[2] Language of the treaty.

[3] Article I.

7. Cash amounting to $580.

This aggregate payment, said the treaty, "is considered as a full and ample compensation for the relinquishments made to the United States."[1]

Various other treaties were negotiated with natives of the Northwest Territory and the interior during the next few years,[2] and in the meantime an ever increasing movement of white travel was visible over the communication routes already granted by the Indians. Existing Caucasian settlements in the North were swiftly growing and new ones constantly appeared. The leaders among the Indians began to realize that they were being outfought in the battle of wits, just as they had been beaten, during an earlier time, in physical strife. So they sought advice from such white men as they trusted, and whose opinions, as they doubtless believed from long association, were disinterested. In this way the red men hoped to obtain counsel which would guide them in their general course of action, and, especially, help them when negotiating

[1] Article III.

[2] Among them being treaties with the Sacs and Foxes in 1804; with the Osage in 1808 and the Chippewas during the same year. The Ottawas, Potawatomi, Wyandots and Shawnees were also parties to the Chippewa treaty of 1808, and in it they jointly gave the United States permission to open a travel route between the white settlements of Ohio and Michigan.

Article I said in part: "Whereas, by a treaty concluded at Detroit . . . in 1807 a tract of land lying to the west and north of the river Miami, of Lake Erie, and principally within the Territory of Michigan, was ceded by the Indian nations to the United States; and whereas the lands lying on the southeastern side of the said river Miami . . . still belong to the Indian nations, so that the United States cannot, of right, open and maintain a convenient road from the settlements in the State of Ohio to the Settlements in the Territory of Michigan, nor extend those settlements so as to connect them; in order therefore to promote this object, so desirable and evidently beneficial to the Indian nations as well as the United States, the parties have agreed to the following article, to wit:

" 'In order to promote the object aforesaid, and in consideration of the friendship they have toward the United States for the liberality and benevolent policy which has been practised toward them by the government thereof, the said nation do hereby give, grant, and cede, unto the United States, a tract of land for a road, of one hundred and twenty feet in width, from the foot of the rapids of the Miami of Lake Erie to the western line of the Connecticut Reserve, and all the land within one mile of said road. on each side thereof, for the purpose of establishing settlements thereon. Also, a tract of land for a road only, of one hundred and twenty feet in width. to run from lower Sandusky southwardly to the boundary line established by the treaty of Greenville. . . .' "

In its language. meaning and effect this travel concession will be found to be similar to one negotiated with the Potawatomi of Indiana in 1826. Those nations which agreed in 1808 to the compact here quoted gave permission for the creation of white highways designed to aid in destroying the native power. By the language of the treaty the Indians were put on record as making the gift because of the liberality and benevolent policy of the United States toward them.

First Hotel at Zanesville.

133.—One of the first public structures in a wilderness settlement was a log tavern for the accommodation of still more west-bound travellers. This tavern, kept by Landlord McIntire of Zanesville, in Ohio, once had Louis Phillipe of France as a guest.

with the United States for the disposal of their territories. But the white men's government apparently did not wish the Indians to receive aid of that sort, and seems to have taken action in prevention of it. In the official records of Indiana Territory is to be found the following law, passed in 1810 and approved on December 15 of that year by General Harrison, who was still the Governor. The law reads:[1]

"Whereas, it appears probable from certain documents which have been laid before the general assembly by the governor that the negotiations between the United States and the Indian tribes are much interrupted by the interference of mischievous individuals, and that the harmony and good understanding between the United States and the said tribes are likely to be interrupted, and the peace which has so long and so happily subsisted jeopardized by such improper and unpatriotic conduct; and whereas this general assembly is desirous to shew its respect for the general government,[1] and to promote as far as possible its humane and benevolent policy of civilizing the Indians . . . and being desirous also to facilitate those extinguishments of Indian title which are at once so beneficial to the United States, their constituents, and the Indian tribes,[2] therefore . . .

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[1] "Acts of the Assembly of the Indiana Territory Passed at the First Session of the Third General Assembly of the Said Territory, etc. Printed by Authority, Vincennes, 1810." Chapter XXXIV.

"5. Be it further enacted, That if any person or persons shall without the permission of the United States, or of this territory, directly or indirectly commence or carry on any verbal or written correspondence or intercourse with any Indian nation or tribe, or any chief, sachem or warrior of any Indian nation or tribe, with an intent to influence the measures or conduct of any Indian nation or tribe, or any chief, sachem or warrior of any Indian nation or tribe, in relation to any negotiations or treaties, disputes or controversies with the United States or this territory, or to defeat the measures of the government of the United States or this territory, or if any person or persons not duly authorized shall counsel or advise, aid or assist in any such correspondence with intent as aforesaid, he, she or they shall be deemed guilty of a high misdemeanor and on conviction thereof before any court having jurisdiction thereof shall be punished by a fine not exceeding three thousand dollars and not less than one thousand dollars."

It was during this time that Tecumseh was busily shaping his project for the organization of a new red confederacy which should again oppose, primarily through passive resistance but by arms if necessary, the Caucasian advance. The Shawnee saw the final result of influences then at work if they were permitted to go on unchecked.[3] He therefore urged the political union of all native nations from the Lakes to Florida, and advocated an agreement among them that no division of the proposed red federation should sell any of its lands to the United States without consent of all the allied groups. This was the first method by which he intended to combat the white republic's effective plan of dealing with the many tribes in detail. On his final embassy through the South, early in 1811, to secure coöperation of the Indians of those regions, he was promised the aid of the Muscogees, but his dramatic appeal to the powerful Choctaws and Chickasaws was barren of the result he so earnestly desired. In the memorable midnight debate at the Council on the Tombigbee the assembled nations were almost equally divided in opinion, and the eloquence of Apushamatahah[1] finally prevailed against endorsement of the project.

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[1] The language of this Indiana Territory law seemingly justifies the inference that the Federal government had requested its passage.

[2] Governmental plans for acquiring regions from the natives were usually put in similar language.

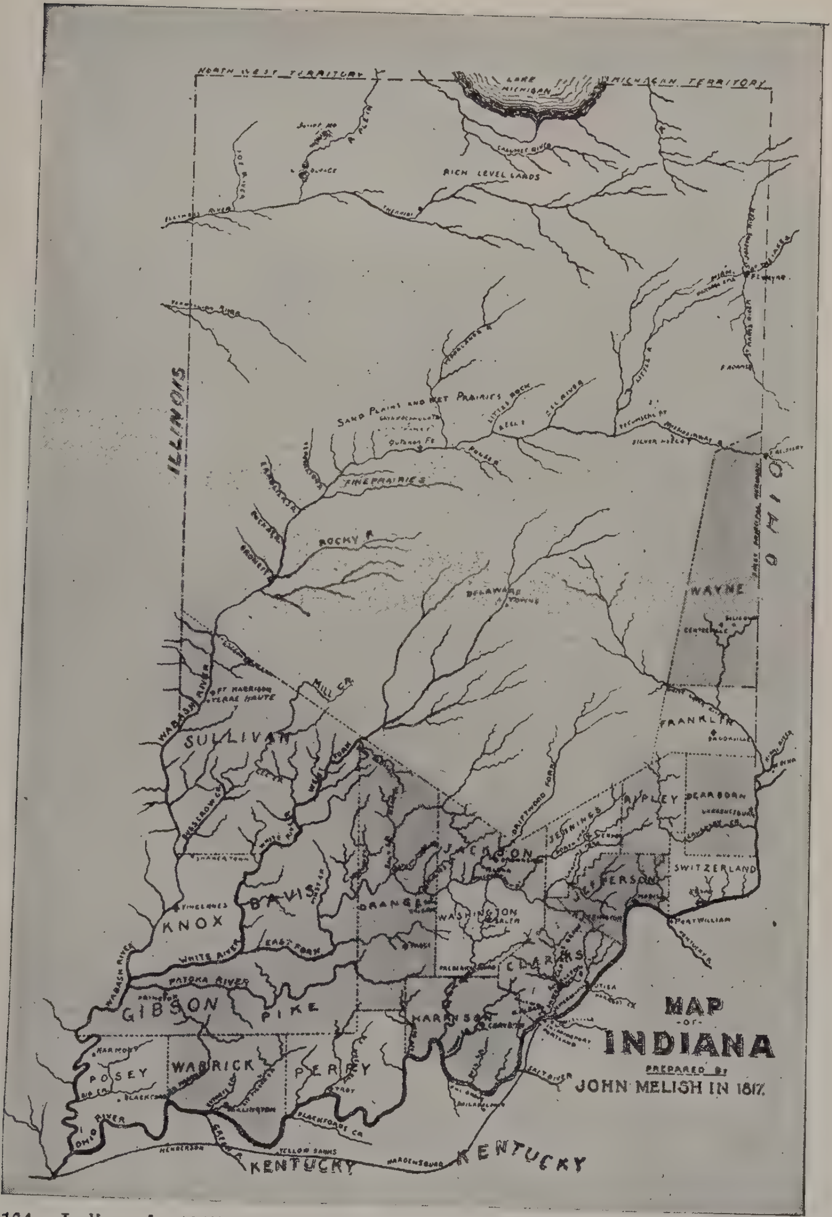
[3] What! Sell land!" he exclaimed on one occasion. "As well sell air and water The Great Spirit gave them in common to all; the air to breathe, the water to drink, and the land to live upon."

Tecumseh, as he spoke, stood alone near the huge council fire in an open space some thirty feet in width. Behind him on the ground were the members of his retinue. By the glare of the fire he looked out over hundreds of concentric rows of silent seated men, that stretched upward and backward into the darkness. While he spoke no other sound was heard. And at the end, when he called on those who believed with him to whirl their tomahawks upward as a token of agreement,[2] the air seemed filled with battle-axes as the light of the flames, for an instant, glinted from their polished blades. Apushamatahah followed the Shawnee, and again at the close of his address came that strange demonstration, impressive as before. There had been no overwhelming popular verdict, and the final decision was therefore left in the hands of a venerable councillor who at last advised against Tecumseh's plan and the general warfare which all believed would eventually grow out of its adoption.

[1] Or Pushamatahah. A Choctaw chieftain. For an extended account of the debate, see pages 303 to 319 of the "History of the Choctaw, Chickasaw and Natchez Indians. By H. B. Cushman. Greenville, Texas, 1899." The Tombigbee Council was possibly the largest in point of attendance, as it assuredly was one of the most important, in native history.

Apushamatahah fought beside General Jackson at New Orleans. He died while on a visit to Washington in 1824, and the Government fired minute guns during the progress of his funeral.

[2] A method sometimes used at Councils to show assent. The revolving tomahawks went but a few feet upward, and the skill with which they were handled prevented accidents on their descent, even in a throng.



134.—Indiana in 1817, one year after its election into a state. First of a series of three maps showing the growth of a white commonwealth through gradual acquirement of Indian possessions. The dotted line roughly indicates the boundary between the territories then owned by natives and Caucasians. The white region belonged to the Potawatomi, Miami, Delaware and other tribes.

So was history made in the depths of the southern wilderness. The Choctaws and Chickasaws at that time might have mustered six or eight thousand warriors, and if the entire available strength of the Mississippi valley Indians had been successfully enlisted by the red statesman of the North, and used effectually in either peaceable or warlike manner, then farther westward movement by the white race through treaty acquirement of travel routes and land must have been halted for a long time. Tecumseh started northward again, still hopeful and with much accomplished, but reached Indiana Territory only to find that his brother, The Prophet, had wrecked his plans by commencing hostilities in his absence and against his express command. The battle of Tippecanoe had been fought and lost by the Indians, further native diplomacy was useless, and Tecumseh had nothing left to do but cast his lot with the British. He fell soon afterward at the battle of the Thames.

During the period of nearly twenty years intervening between Tecumseh's death and the outbreak of Black Hawk's War, numerous further negotiations were carried on between the two races in the North and West.[1] Four of the treaties made during the interval were notably advantageous in adding more links to the growing overland communication system of the white men. The first of these, ratified in 1817 with the Wyandots, Senecas, Ottawas, Potawatomi and Chippewas, opened the region embraced by northwestern Ohio and northeastern Indiana to white penetration. Article XIV of the compact said: "The United States reserve to the proper authority the right to make roads through any part of the land granted or reserved by this treaty; and also to the different agents the rights of establishing taverns and ferries for the accommodation of travellers should the same be found necessary."

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[1] A treaty with the Pawnees in 1818 designated that Indian government as "the said Pawnee Republic."

The next two treaties, by which native permission was asked for the use of an important travel route, dealt with the highway later destined to become famous under the name of the Sante Fé Trail. Congress, in 1825, passed an act[1] "to authorize the President of the United States to cause a road to be marked out from the western frontier of Missouri to the confines of New Mexico." Governmental commissioners were authorized to perform the work. But Congress, recognizing the rights of the Indians occupying regions through which the road was to run, also stipulated in the law that the commissioners "first obtain the consent of the intervening tribes of Indians, by treaty, to the marking of said road, and to the unmolested use thereof to the citizens of the United States."

The desired permission was obtained. A formal agreement was negotiated with the Great and Little Osages, in Article I of which was contained the following language: "The Chief and Head Men . . . for themselves and their nations, respectively, do consent and agree that the Commissioners of the United States shall and may survey and mark out a road, in such manner as they may think proper, through any of the territory owned or claimed by the said Great and Little Osage nations." For this permission the United States paid to the two contracting red nations $500 in money and merchandise valued at $300. A similar document was likewise drawn up in 1825 with the Kansa tribe, through whose territory a part of the road was to extend, and the Kansa were identically paid. Over the Santa Fé Trail, for many years thereafter, passed pack-trains, thousands of Conestoga wagon caravans and hundreds of thousands of westward bound emigrants until the completion of the transcontinental railroads.[1]

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[1] Approved March 3, 1825.

The last of the principal transactions—preceding Black Hawk's War—by which the whites added materially to their travel routes in the North and West through consent of the natives was that with the Potawatomi in 1826.

The Potawatomi still owned a broad strip of country extending directly across the northern part of the newly created state of Indiana,[2] and by reason of their possession the United States settlements of the lower Ohio valley were cut off from land communicaion with the white people of Michigan.[3] Congress therefore authorized a treaty whose terms, if the natives consented to it, should rid the country of such a condition, and the representatives of the two races met at the Potawatomi town of Mississinewa in October of 1826, to negotiate.[4] The Caucasians wrote the text of the agreement, as was the custom, and Article II reads as follows: "As evidence of the attachment which the Pottawattamie tribe feel toward the American people and particularly to the soil of Indiana, and with a view to demonstrate their liberality, and benefit themselves by creating facilities for travelling and increasing the value of their remaining country, the said tribe do hereby cede to the United States a strip of land commencing at Lake Michigan and running thence to the Wabash River, one hundred feet wide,

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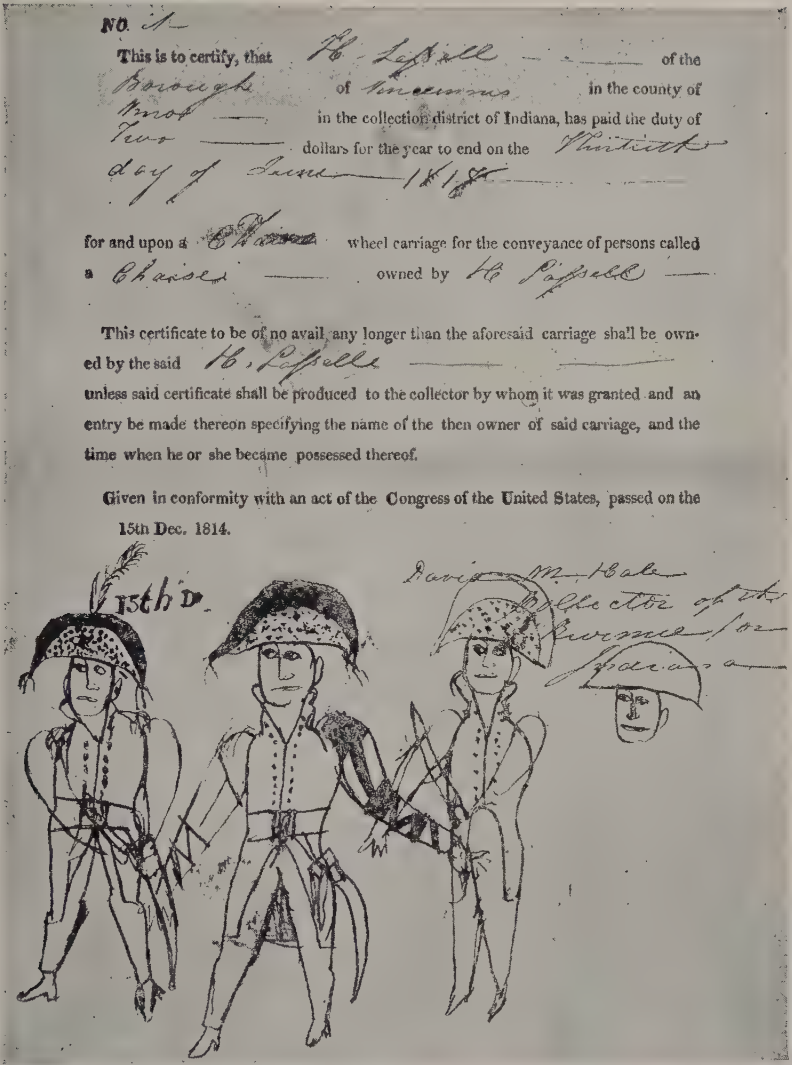
[1] A few white men from the United States had penetrated the region opened by the Santa Fé Trail between 1800 and the date of its creation. Their adventures are narrated in "The Old Santa Fé Trail" by Inman.

[2] The Indian territory in question reached from Lake Michigan southward to the Wabash River. See illustration No. 143.

[3] There was as yet no road for vehicles extending northward to any part of northern Indiana.

[4] The United States plenipotentiaries were Lewis Cass, John Tipton and James B. Ray.



NO. 1

This is to certify, that H. Lasselle of the Borough of Vincennes in the county of Knox in the collection district of Indiana, has paid the duty of Two dollars for the year to end on the Thirtieth day of June 1818

for and upon a [illegible] wheel carriage for the conveyance of persons called a Chaise owned by H. Lasselle

This certificate to be of no avail any longer than the aforesaid carriage shall be owned by the said H. Lasselle unless said certificate shall be produced to the collector by whom it was granted and an entry be made thereon specifying the name of the then owner of said carriage, and the time when he or she became possessed thereof.

Given in conformity with an act of the Congress of the United States, passed on the 15th Dec. 1814.

David M. Hale
Collector of the
Revenue for
Indiana

135.—Roads were made through the forest and wheeled vehicles appeared.—A license issued by Indiana in 1817 permitting a citizen to own and use a chaise on payment of $2 a year. Sale of the chaise without notice forfeited the permit. A contemporary hand has sketched the appearance of officers of the Fifteenth Dragoons. Federal troops built and occupied military posts to awe the natives.

for a road, and also one section of good land contiguous to said road for each mile of the same and also for each mile of a road from the termination thereof, through Indianapolis, to some convenient point on the Ohio River."[1]

Indiana was authorized to build the desired road, using proceeds derived from the sale of the ceded lands for that purpose. The thoroughfare extended from Lake Michigan in a generally southward direction, passed through the newly laid out capital called Indianapolis, and had its southern terminus on the Ohio River at Madison. For many years it was in effect a national highway, and was the principal overland travel route connecting the Ohio valley and Ohio River with Lake Michigan and the Michigan settlements.

The Michigan Road was well built for its generation. It was twenty-four feet wide, and in some parts consisted of seasoned oak timbers, twenty feet long and a foot square, covered by one-and-a-half feet of soil taken from the ditches beside it.[2] Over its 200 miles of length proceeded much of the population that permanently occupied southern Michigan and Wisconsin, and northern Indiana, Ohio and Illinois. In importance as a land artery of white movement, during the era previous to the general appearance of railroads in the Middle West, it was second only to the Cumberland Turnpike, or National Road. The red men did not find it to be of such advantage to them as the phraseology of the treaty of 1826 had led them to expect. The Michigan Road was one of the principal agencies of their undoing in the North, and that their assent to its creation should have been asked in such language as was prepared for their signatures by men who presumably understood the significance of the proposed work is, at least, unfortunate.[1]

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[1] In discussing the terms and phraseology of this treaty in his monograph "The First Thoroughfares of Indiana," Cottman says: "Why the Pottawattamie Indians should feel an especial attachment to the American people, who were gradually pushing them off the earth, and how they were to be benefitted by an inlet the sole purpose of which was to facilitate the oncoming of the usurpers, and how, by the light of previous land transfers, the value of their remaining country would be enhanced to them, make a series of queries that need not be discussed here."

For thus granting a travel route through their territory and land adjacent to it the Potawatomi were paid with apparent liberality. They received merchandise appraised at about $30,000, were promised $2,000 a year for twenty-two years, and $2,000 per year for Indian education as long as Congress might think proper. The value of their recompense, if the annuity was paid and the proposed education was maintained for twenty years, would have been some $114,000. More than $240,000 was obtained by Indiana through sale of the land they ceded, and the road was built and maintained until 1840 by money so taken in. See reports of the Indiana Auditor's office..

[2] "Reports and Estimates of the Michigan Road Survey," by Julian W. Adams, Engineer. (Indianapolis) December 29, 1837. Other sections were not so well constructed, and in rainy weather were at times—like other dirt roads—almost impassable.

The western part of what is now Illinois, embracing the country between the Illinois and Mississippi Rivers, had been sold to the United States by the Sacs and Foxes in 1804 and 1816.[2] In 1826 the Miamis of Indiana disposed of the remainder of their holdings in that state, lying north and west of the Wabash River. The Chippewas, Menomonies and Winnebagos, in 1827, ceded certain territories at present included in the limits of Michigan and Wisconsin, and in the same year the Potawatomi also sold a large part of their northern lands now in Michigan. The Shawnees of Ohio disposed of all their possessions in that state in 1831 and agreed to remove beyond the Mississippi. In the treaty of 1831 with the Shawnees the United States agreed, when speaking of the nation's new home in the West, "that said lands shall never be within the bounds of any state or territory, nor subject to the laws thereof."[1]

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[1] The original manuscript survey of the Michigan Road has had a strange history, typical of the vicissitudes to which many similarly invaluable historical records in all parts of the country have been subjected. For years its whereabouts were unknown. Finally, in July of 1907, it was discovered in the cellars of the state capitol at Indianapolis, amid a mass of other early documentary material belonging to the state which had been stored there because of lack of room in the various administrative departments. Two invitations for its removal to intelligent custody were declined. The state librarian heard of the discovery, was unable to get possession of the manuscript for its proper safe keeping, and could only secure a traced copy, made by the man who had found it. Some time afterward a minor employee in the state capitol, whose duties lay chiefly in the cellars, sold as junk and old paper a part of the state's stored historical material which was estimated to the author, in 1912, as amounting in quantity to about ten tons. On Governor Marshall's accession to office he heard of the occurrence and sought to discover what had been sold, and who was responsible. But nobody knew what was gone. Since that time the Michigan Road survey has not been seen. It may still be in the cellar of the capitol. (Note: March 1914.—The original manuscript survey has again been found.—S. D.)

[2] For this territory, by the treaty of 1804, the Indians were given $2,000 in merchandise and promised an annuity of $2,000. Also included in the region sold by the same natives in 1804 was about one-third of the present state of Missouri. The total land area obtained by the whites in the transaction was some 50,000,000 acres.

This agreement with the Shawnees, which is known as the Treaty of Wapakonetta, is one of the comparatively few compacts of the sort whose connected history has been preserved through white testimony independent of official records, and a brief review of the transaction and its results will be of interest.[2]

The representative of the government sent to negotiate with the Indians made an address to them in which he said that Ohio was about to extend its laws over them, that they would be taxed, killed if they resisted, and that their testimony in courts would be declared incompetent. He procured the native signatures to the instrument on his verbal declaration of its provisions, without reading or translating its text to the assembled chiefs. The white Indian traders who had dealt with the tribe, and who were creditors of the red men, "burnt up all their books"[3] as soon as the signatures had been obtained. On reading the consummated treaty the Shawnees found that it stipulated a monetary payment to them which was $115,000 less than that stated by the government's negotiator, and that the 100,000 acres embracing their new home in the West was included in a tract already owned by the nation through a prior treaty,[4] instead of being in addition, and adjacent to the land already owned, as explained to them. They also found that a promised clause binding the United States was not included in the document.

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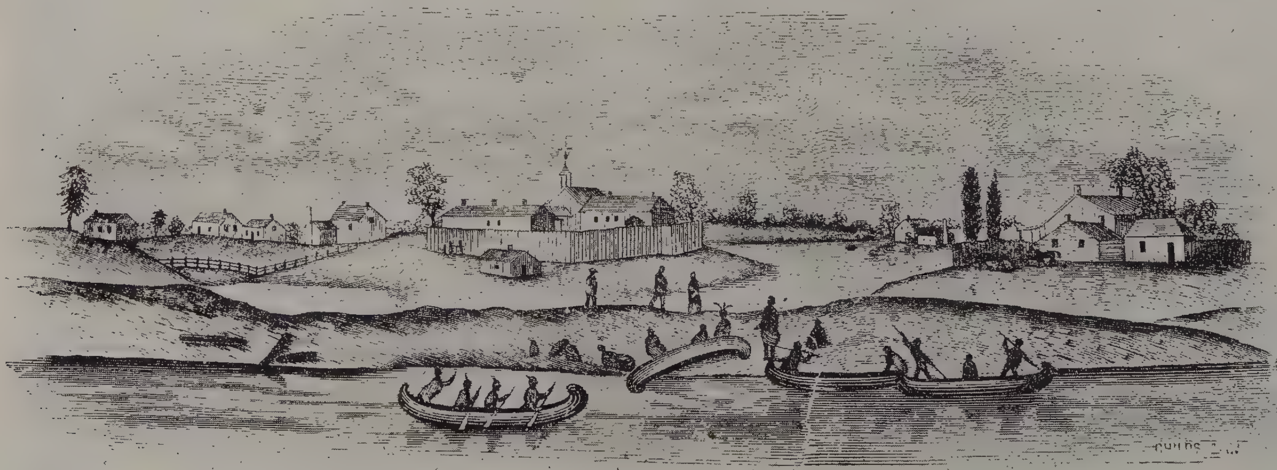
[1] Article X.

[2] The account here given is taken from the "History of the Shawnee Indians from the year 1681 to 1854, Inclusive. By Henry Harvey, Cincinnati, 1855." Harvey spent many years among the Shawnees, and was present and had personal knowledge of the events during and subsequent to the treaty discussed. A detailed account of the transaction, including various letters from governmental officials concerning its different phases, is contained in his "History."

[3] Harvey's language.

[4] That of 1825.



CHICAGO AS IT WAS IN 1820.

136.—Timber forts were erected by the whites in numerous localities considered to be of strategic value or future importance. Incoming settlers put up their cabins and houses in the neighborhood of the forts, and thus other little settlements came into existence.

The three principal features which had induced the natives to sign the treaty being absent from it, the nation sent a deputation to Washington as a means of procuring correction of the errors. Harvey, whose account is here followed, and whose knowledge of the circumstances was believed to be of value to the Indians, accompanied the party. On his arrival at the capital Secretary of War Cass discussed the matter with Harvey and said to him "that by ———' treaty the Shawnees would not realize one dollar for their land in Ohio."[1] Further details of the interview are given by Harvey.

"The Secretary," continues this narrative, "urged the President[2] to hear us on behalf of the Shawnees, but he refused. He [Cass] then proposed to make a treaty with the delegation now in attendance, and set ———' treaty aside; but in this he failed—the President declaring that the Shawnees should fare no better than the Cherokees did."[3] As the removal of the tribe at governmental expense had been promised for the spring of 1832 the Indians planted no crops on the lands they thought they were about to leave. So when the expected migration was not begun at that time the natives found themselves reduced to starvation. Finally, on appeal of Harvey to Secretary Cass[4] the War Department despatched provisions to the Indians and saved their lives. The overland journey of some 800 miles into the West was performed during the following winter, through storms and snow, and the Shawnees found no shelter prepared for their arrival. Many of them had to furnish their own teams and wagons and bear a large part of the expense of the journey.[1] Again they suffered from hunger. A bill was introduced in Congress by Mr. Vance of Ohio appropriating $5,000 for their immediate relief, but it failed of passage, and the tribe was kept through the remainder of the winter by charity.

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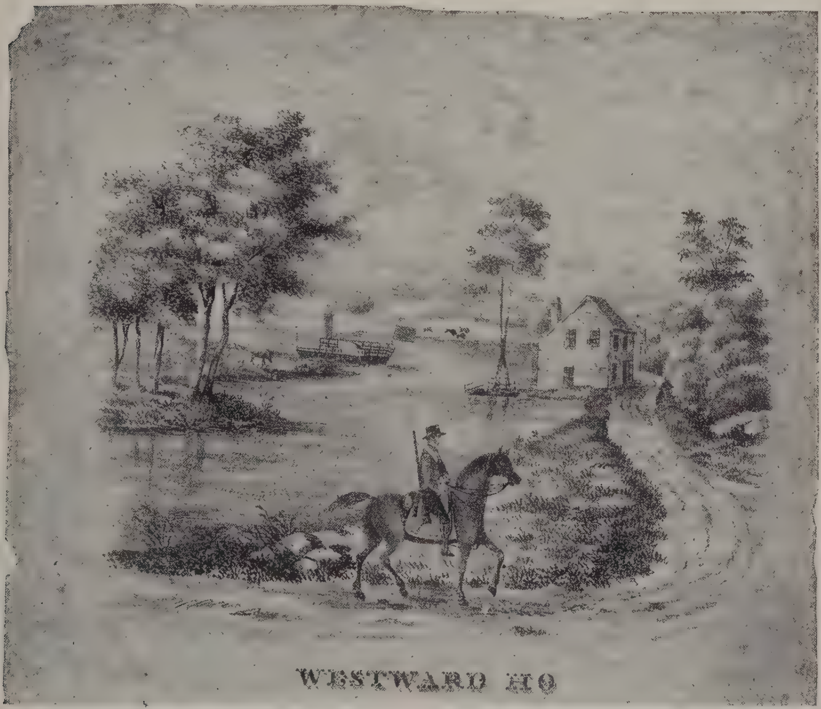
[1] Harvey's description of the interview.

[2] General Jackson.

[3] A reference whose meaning will become apparent in a later chapter.

[4] In a letter dated August 8. Text in Harvey's narrative.



137.—Many men of the East, hearing tales of the western country, made extensive journeys through the interior on horseback, by boat, or on foot, in order to see the region for themselves or to pick out future homes for themselves and their families.

Among the improvements they had necessarily left in Ohio were their mills, which the government had promised to duplicate for them in their new home. Other mills were built in the West, but the government charged the

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[1] Harvey's language. They travelled to what is now Kansas.

Shawnees $6,000 for them and took the amount from money due them. New blacksmith shops were erected on a similar basis. The Congress at length passed a bill acknowledging in some degree the circumstances here reviewed, and appropriating $30,000 additional compensation for the tribal lands in Ohio, to be paid in annual installments of $2,000. Four years elapsed without the annual payments thus provided for, the War Department taking the stand that the $30,000 was intended for use in canceling native debts to the white traders, but as the traders' claims had been found to be fraudulent, the appropriation was unnecessary. Harvey again took a hand in the dispute, and as a result of his protest the Indians received $8,000 of arrears.[1] Finally, at a still later date, the government reversed the action of the Indian Bureau regarding certain traders' claims for $8,000 which had been rejected as fraudulent after the burning of the account books, and paid them by diverting four subsequent installments of the additional $30,000 appropriated to the Shawnees for their Ohio lands.[2]

Another group of Indians, the Wyandots of Ohio, gave up in 1832 their effort to establish a new method of life as civilized agriculturists, and the treaty then negotiated with them is in one feature unique. It is the only instrument of that description wherein United States negotiators were parties to an official statement that the influence of white men, and association with white men, lowered the moral standard of the natives. The treaty begins:

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[1] See Harvey's correspondence with the War Department, in his "History."

[2] Harvey's summary of the Shawnee character, and his measurement of them as compared with himself and other white men is interesting. He says:

"During the time I have spent with the Shawnees, on many occasions I have been looked up to for counsel by men vastly my superiors in years, in experience, in public affairs, in intellect and in power of speech, as well as in fine feelings; in fact, in everything except in a knowledge of letters and in the use of them. . . . They never ask for written evidences of the good character of a man, as we do. They only wish to see a man, to look him sternly in the face, and observe his manner for a few minutes; then it is no hard task to obtain from them their opinion of the man, and they are not often mistaken."

"Whereas, the said band of Wyandots have become fully convinced that whilst they remain in their present situation in the State of Ohio, in the vicinity of a white population which is continually increasing and crowding them, they cannot prosper and be happy, and the morals of many of their people will be daily becoming more and more vitiated . . ."

Words of similar purport were sometimes used by Caucasian officials in communications not primarily intended for the public eye, such as the Report of 1801 by General Harrison. But never before, nor never again, did national treaty makers of the United States join with red men in a written admission that the civilization which they represented did not uplift, but degraded, the moral nature of a people popularly considered to be lower in character than themselves, and that the presumed barbarians must go away to escape further contamination. So different is this Wyandot treaty language from the phraseology and pretentions customarily employed on like occasions, that a discovery of the circumstances under which it was introduced into the history of American diplomacy would be of interest. In all probability, however, the cause of the peculiar incident is now beyond research.

The last important resort to arms by the northern natives east of the Mississippi, in an attempt to keep possession of their lands and hold back the white advance, was the brief outbreak of 1832 known as Black Hawk's War. Its origin can be traced to the treaties of 1816 and 1804 by which the Sacs and Foxes[1] sold a part of their territories, but by the terms of which they were given the right to live and hunt on the ceded land as long as it belonged to the United States.[1] The treaty of 1804 also guaranteed to the Sacs and Foxes immunity from molestation by intruders or unlawful settlers. Its language on the points in question was as follows:

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[1] Of which associated tribes Black Hawk was a member.

> "Article 4.—The United States will never interrupt the said tribes in the possession of the lands which they rightfully claim, but will on the contrary protect them in the quiet enjoyment of the same against their own citizens and against all other white persons who may intrude upon them. . . .
>
> "Article 6.—If any citizen of the United States or other white person should form a settlement upon lands which are the property of the Sac and Fox tribes, upon complaint being made thereof . . . such intruder forthwith be removed."

About the year 1818[2] an important stream of invading population from the eastward[3] had begun to enter the Illinois country, coming down the Ohio River on flatboats and overland along the travel routes granted by the Indians at Greenville and later treaties. By 1823 this movement was in full swing, and had also somewhat affected the region now embraced in southern Wisconsin. The newly arrived whites objected to the continued use of the ceded country by Indians for hunting purposes, and also, as was always the case in similar advances, they often settled down on lands to which title had not been obtained. In truth the invading white people were illegally on a part of the Sac territory from the year 1823. Although there was still a strip of unoccupied land some fifty miles wide lying to the eastward of the Sac region, the settlers from the East did not halt upon it, as they might properly have done, but advanced beyond it into the forbidden country. Once there they plowed up the Indian cornfields, whipped the native women, traded whisky to the men and again brought about, in an acute degree, those unfortunate conditions that often arose through the actions of a frontier population which refused to recognize the existence of native rights entitled to respect.

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[1] "Black Hawk always alleged that the cause of his battle against the Americans was the invalidity of the treaty of 1804 . . . but he also said when, at a subsequent treaty (1816) he himself had 'touched the quill,' and by which treaty the same territory was ceded, that he knew not what he was signing, and that he was therein deceived by the agent and others, who did not correctly explain the nature of the grant. Doubtless the indiscriminate and to a great extent the lawless spread of immigrating population over the newly acquired country on Rock River, and the actual occupation of his own village by the Illinois settlers, accompanied by the forcible ejection of his own family and others of his band from their happy homes created a rankling wound which nothing less than the shedding of blood of the whites could even cicatrize, much less effectively cure. Yet he denied that he had gone to war willingly, and asserted that when his flag of truce was fired upon by Stillman's men his intention had been to surrender; but as he was forced into a combat, he said to his people: 'Since they will fight us, let us fight.' "—"The History of Wisconsin": By William R. Smith: vol. 1, p. 285.

"That he was injured cannot be denied; and that he displayed the white flag, and gave notice of his willingness to surrender, with his little band of warriors, on several occasions, and was met and answered by the rifle, is also true."—"The History of Illinois": By Carpenter and Arthur, Philadelphia, 1854, p. 211.

[2] When a state constitution was adopted by Illinois.

[3] The earliest movement of the sort had been into the southern part of the territory, and had originated chiefly in Virginia, North Carolina and Kentucky.

CHAPTER XXIV

THE CHARACTER OF THE CAMPAIGN AGAINST BLACK HAWK AND THE SACS — ITS ENDING AT BAD AXE — SUCCESS IN SIGHT IN THE NORTH FOR THE GOVERNMENT'S PLAN TO RID THE EAST OF INDIANS — RELATION OF THE INDIAN TRADER TO THE RACE DRAMA — THE WILDERNESS ARITHMETIC TABLE — PROCESS AND GENERAL RESULT OF MAKING THE RED MEN A DEBTOR CLASS — NATIVE CHARACTERISTICS THAT MADE THE OPERATION POSSIBLE — SPECIFIC EXAMPLES

AFTER the brief and bloody campaign of 1832 was over the approval bestowed on its white participants by official decree and popular opinion speedily obscured many of the circumstances that preceded and were connected with it. But, though hidden in obscure places, there still remains enough contemporary Caucasian testimony to reveal what took place just before and during the last important clash of arms between red men and white east of the Mississippi. The question of responsibility for the trouble was discussed by a historian of the period soon after the war in the following words:[1]

> "I could relate many anecdotes to show the friendly feelings entertained toward our government and people by the Sacs—feelings which, whether of fear or of kindness, have rendered them wholly submissive, and which nothing but the most unprovoked aggression on our side could have kindled into hostility."[2]

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[1] Judge James Hall, in the "Western Monthly Magazine," 1883. Hall was author of "Statistics of the West at the Close of the Year 1836"; "The West: Its Commerce and Navigation," and similar works dealing with the history of the Ohio valley.

[2] Among the incidents he thus narrates is the action of Sac chiefs in placing a guard around an isolated home of white settlers to protect its occupants from possible annoyance by young Indians made drunk by other white men.

The outbreak of warfare in the early summer of 1832[1] followed the movement of Black Hawk and his band into Illinois from the western side of the Mississippi. He and the other natives said their intention was to raise a much needed crop of corn with the Winnebagoes. The presence of some two hundred women and children in the party, together with domestic and agricultural baggage, may be taken as sufficient indication that warfare was not the purpose of the Indians. Nevertheless a great excitement among the whites followed the arrival of the red men on the eastern shore of the river, and some militia and frontiersmen, together with a number of Federal troops were started in pursuit of them. The combined military force was under command of Brigadier General Atkinson of the United States Army. On May 14 a half hundred or more volunteer frontiersman attached to the white army were authorized, at their own request, to make a march of observation to a designated spot about fifteen miles from the encampment of the troops. These men disobeyed instructions and proceeded about twelve miles beyond the point named as their destination until—unknown to themselves—they reached the vicinity of Black Hawk's moving village. There, just before sundown, they saw coming toward them a little group of Indians.[2]

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[1] Keokuk, principal chief of the Sacs, had finally ceded all tribal possessions east of the Mississippi to the government in 1830. Black Hawk protested against the sale of his village and Keokuk promised an effort to secure its retrocession. Black Hawk and his adherents then departed on the usual winter hunt, only to find on their return that white settlers were in possession of the village and that their own women and children were without shelter. Finally Black Hawk's community was ousted by Illinois militia, though United States General Gaines promised to provide its members with necessary food supplies equivalent to those abandoned, provided they remained west of the river. This aid was not given and the Indians were reduced in the autumn of 1831 to crossing the river for the purpose of stealing corn which they had planted before being driven from the Illinois village.

[2] Six or eight in number. Black Hawk's statement that they were on a peaceful mission and bore a white flag has been generally accepted. See the extracts from Smith's "History of Wisconsin" and Carpenter and Arthur's "History of Illinois," quoted in a previous foot-note. Stillman, commander of the frontiersmen, said the natives did not bear a white flag.

138.—On their return home, if favorably impressed, they organized or joined another caravan, loaded their possessions into wagons or boats, and swelled the increasing multitude of west-bound emigrants.

The whites fired on the natives, shot one or two, captured three and chased the others, who fled toward their own camp. Black Hawk on hearing of the affair said, "Since they will fight us, let us fight," and turned his men loose. Twelve of the frontiersmen were killed and the remainder fled. On the following day Governor Reynolds ordered three thousand militia under arms "to subdue the Indians and drive them out of the state."[1] War had begun, and some understanding of the sentiment toward the Sacs with which the whites entered the campaign can be gained by a letter written at the time by an officer of the white army, who said:

"General Atkinson will pursue them, and will give a good account of them, I hope, before he is done with them. Whether we are to have peace or war on this frontier is to be decided by the course taken with this band of murderers. They deserve nothing but death, and no quarters from us."[1]

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[1] An earlier petition of white settlers urging the use of armed force in driving the same Indians from Illinois recited a number of grievances against the natives. One item of complaint was Black Hawk's action in destroying a barrel of whisky which was being sold to the Sacs of his village.

In addition to the Federal and state troops called into the field the aid of the Sioux, hereditary enemies of the Sacs, was solicited by the government. The *Galenian* of July 11, 1832, printed an address delivered by General Street, a Federal Indian agent, at Prairie Du Chien on June 22 to a force of Sioux who had started to join Atkinson but had reconsidered their determination to take part in the campaign and had turned back. General Street was quoted as follows:

"Your Great Father has forborne to use force, until the Sacs and Foxes have dared to kill some of his white children. He will now forbear no longer. He has tried to reclaim them, and they grow worse. He is resolved to sweep them from the face of the earth. They shall no longer trouble his children. If they cannot be made good they must be killed. They are now separated from their friends and country, and he does not intend to let one return to trouble him again. And he directed me no longer to restrain you from war. And I said,[2] 'Go and be revenged of the murderers of your friends, if you wish it. If you desire revenge, you have permission to take it. I will furnish you arms, ammunition and provisions, and here is the man who is sent to conduct you to the enemy. . . .' You turn and come home without striking a blow. Why is this? To me your conduct is strange. I cannot comprehend it, and want you to explain the reasons that have influenced you to so disgraceful a course. . . . It was not that your Great Father wanted help from you that I told you to go to war. It was to give you an opportunity to revenge your slaughtered friends. Your Father has penned these Indians up, and he means to kill them all. . . . He does not ask you to help him; but if you want revenge, go and take it. This is what I said to you. And now I repeat it—if you want to kill the murderers of your friends and families, go now and do it; for your Great Father has devoted these Indians to death. He cannot reclaim them, and he will kill them."

The Sioux again refused, according to the *Galenian,* whereupon the governmental agent said:

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[1] Written by Major Dodge to Dr. A. Philleo of Galena, Illinois, under date of June 25, 1832. Published in the "Galenian," of Galena, on June 27, 1832.

[2] The speaker evidently refers to a previous address made to the Sioux before they started. This speech was delivered after their first return.

"Go home to your squaws and hoe corn—you are not fit to go to war."

Further suggestion regarding the campaign was contained in a statement made by the Detroit *Journal* of July 18, 1832, which then said:

> ". . . We are confident in the expectation that if the Indians do not decamp before our troops and militia reach the ground where they are said to be stationed, few will be suffered to escape alive. A general massacre will be the inevitable consequence. General Atkinson could not prevent it if he would; and we doubt whether it be not a part of his orders that it should take place. Ordered or not, the blood of the whites is up, and nothing but blood will appease them."

The Sacs, fleeing northward into Wisconsin, and killing a number of settlers on the way, were overtaken August 2 on the east bank of the Mississippi, and there ensued what is called the Battle of Bad Axe. A sufficient insight into what then took place can best be given by quoting brief extracts from statements of white men who were present, or who through official position or investigation obtained knowledge of the circumstances of the affair. Such comments follow:

> "The conflict resembled more a carnage than a regular battle." [1]
>
> "It was a horrid sight to witness little children, wounded and suffering the most excruciating pain." [2]
>
> "It is much to be regretted that very little discrimination appears to have been made in the slaughter, and that the dead were of both sexes, and, sadder still, of all ages."[3]
>
> "When the Indians were driven to the bank of the Mississippi, some hundreds of men, women and children plunged into the river and hoped by diving, etc., to escape the bullets of our guns; very few, however, escaped our sharpshooters." [4]

A steamboat called the *Warrior* took part in the

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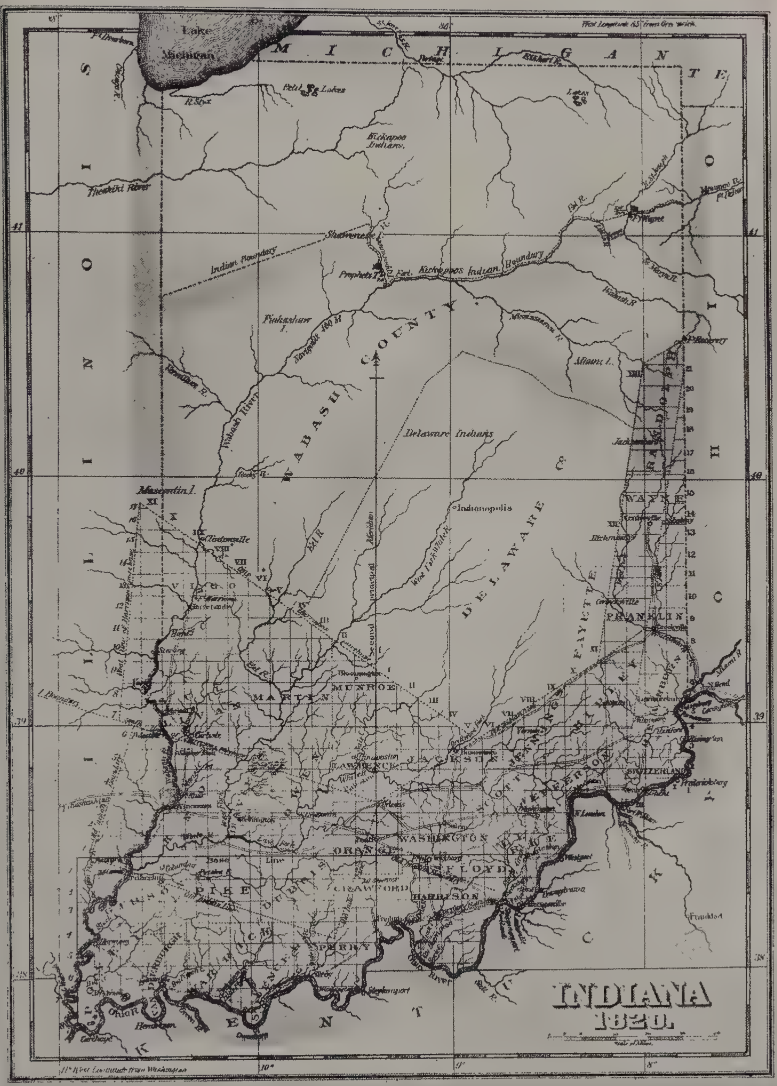
[1] Reynolds' "My Own Times," 2nd Edition, Chicago, 1879.

[2] Wakefield's "History of the War." Jacksonville, Illinois. 1834.

[3] "The History of Illinois," by Carpenter and Arthur. Philadelphia, 1854, p. 207.

[4] The "St. Joseph Beacon and Indiana and Michigan Intelligencer" (of South Bend, Indiana), September 8, 1832. The same newspaper, in previously describing the condition of the Indians during their attempted flight from the white troops, had said of them: "They are in a deplorable condition for the want of food, making use of Bark, Roots, etc., almost entirely for subsistence." This was published on August 22, twenty days after the battle but before knowledge of it had reached the paper.



139.—Second map of the series showing the growth of a white state. Indiana when four years old. The incoming white settlers demanded more land, and previous settlers had driven away the Indian game. Meanwhile the traders had continued to sell goods to the natives on credit. These conditions created a situation which made it impossible for the Indians to pay their debts except by selling more land to the government and giving the proceeds to the traders. Showing the receding native boundaries after such transfers of territory.

conflict. Besides her crew of some twenty men she carried sixteen soldiers of the regular army, five frontier riflemen and a few small cannon. Her commander, soon after the engagement, described the boat's participation in a letter which in part read:

> ". . . As we neared them they raised a white flag, and endeavored to decoy us, but we were a little too old for them; for instead of landing we ordered them to send a boat on board, which they declined. After about fifteen minutes delay, giving them time to remove a few of their women and children, we let slip a six-pounder loaded with canister, followed by a severe fire of musketry; and if ever you saw straight blankets you would have seen them there. . . . This little fight cost them twenty-three killed and, of course, a great many wounded. We never lost a man, and had but one man wounded. . . . I tell you what, Sam, there is no fun in fighting Indians, particularly at this season, when the grass is so very bright. Every man, and even my cabin boy, fought well. . . ."[1]

During the fight several hundred Indian men, women and children were killed and a considerable number, variously estimated from a hundred and fifty upward, were drowned.[2] A large proportion of those who got across the Mississippi were women, children, and old or non-fighting men.

The Sioux who had been invited to participate in the war, and who had been reprimanded by General Street, the Indian Agent, for their vacillation in the matter, again changed their minds and did take an active part in the campaign. The first subsequent acknowledgment of this feature of the case was contained in an official statement by General Scott[1] dated on board the *Warrior* on August 10 and addressed to Secretary of War Cass. In it General Scott said:

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[1] Drake's "The Life and Adventures of Black Hawk." From the third (Philadelphia) edition of 1856, published by Rulison under the title of "The Great Indian Chief of the West": pp. 163-164.

John Throckmorton was captain of the "Warrior" and author of the letter. The Indians were without food, and desired to surrender. They could send no boat, for the two or three they had were across the river, whence some of the women and children had been ferried. The reference to the bright grass meant that it was no fun to shoot at targets which stood out so distinctly against such a background. Later in the battle the "Warrior" discharged canister into a partly submerged island where some swimming Indians had sought refuge.

[2] Reynolds says about 300 reached the west bank of the river and that fifty were taken prisoners. The total number of natives of both sexes and all ages was in the neighborhood of 1,000. The whites lost 17 killed and 12 wounded.

> ". . . A party of 100 Sioux was sent on the morning of the third inst. on the principal trail of the enemy to ascertain and report the direction of the enemy's retreat. No report has, as yet, been received from this party. . . ."

The result of thus sending the Sioux on the trail of the non-combatants west of the Mississippi is outlined by a communication published in the St. Louis *Times* of May 21, 1833, and signed "F." The letter read:

> "I should like to know, for information's sake, who it was that employed a party of Sioux warriors to follow sixty or seventy poor unfortunate women and children of the Sac and Fox nations, who had crossed the Mississippi River above Prairie du Chien, and were traveling on their own land toward the Wabesepinnecon River—where some five or six hunters had gone forth to furnish some meat for the half starved and half dead women and children?
>
> "Those unfortunate women and children were getting out of the way of danger, when the Sioux bands were let loose, and every soul perished by their tomahawks and scalping knives. The murder of these unfortunate women and children ought to be enquired into by the proper authorities, that is to say, by the Superintendent of Indian Affairs, and reported by him to the government; and let those who advised the Sioux Indians to commit these cruelties be punished."

Corroboration of this feature of the government's campaign was soon after supplied by an article in the *Military and Naval Magazine* for August of 1833, signed "By an Officer of Gen. Atkinson's Brigade."[2] It contained the following passage:

> ". . . After the action a body of one hundred Sioux warriors presented themselves, and asked leave to pursue on the trail of such of the enemy as had escaped. This was granted, and the Sioux, after two days pursuit, overtook and killed fifty or sixty, mostly, it is feared, women and children."

No governmental statement relating to the aid rendered by the Sioux was made, but it developed in 1859 that one of the pursuing chiefs, prior to setting forth after the Sacs, had been supplied by an Indian Agent and a "soldier father"[1] with a military uniform and a United States flag, under which the pursuing Indians conducted their later operations.[2]

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[1] Who had reached the scene.

[2] Written by Captain Henry Smith, U. S. A.

After the conclusion of the war the following official reports regarding the campaign and battle of Bad Axe were made:

By General Atkinson to General Scott, dated August 5, 1832:—". . . I cannot speak too highly of the brave conduct of the regular and volunteer forces engaged in the battle. . . ."

Secretary of War Cass to General Atkinson, on October 24, 1832:—". . . The result was honorable to yourself, and to the officers and men acting under your orders."

Secretary Cass in his annual report, dated November 25, 1832:—". . . The conduct of the officers and men was exemplary."

President Andrew Jackson in his annual message of December 4, 1832:—". . . The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions, and it is to be hoped that its impression will be permanent and salutary. . . . Our fellow citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger." [3]

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[1] An Indian term for a commanding officer or general.

[2] From a statement by Wah-Con-De-Cor-Ah, made by him to Charles E. Mix, Commissioner of Indian Affairs, while the Chief was on a visit to Washington in 1859. Published in the Washington "Constitution" of April 17, 1859.

[3] The following unpublished manuscript verses are copied from the original in the Lasselle Papers of the Indiana State Library. They illustrate the viewpoint held during Indian troubles by those frontier citizens here mentioned by President Jackson. As soon as hostilities commenced—even when first attack as well as provocation were due to themselves—the mass of the whites were genuinely unable to see but one side to the question and became possessed of a desire and determination to kill Indians which took on the appearance and proportions of an exalted patriotic frenzy.

These verses relate to the Black Hawk War, are dated "Logansport, June 3, 1832," and are signed "L." They read:

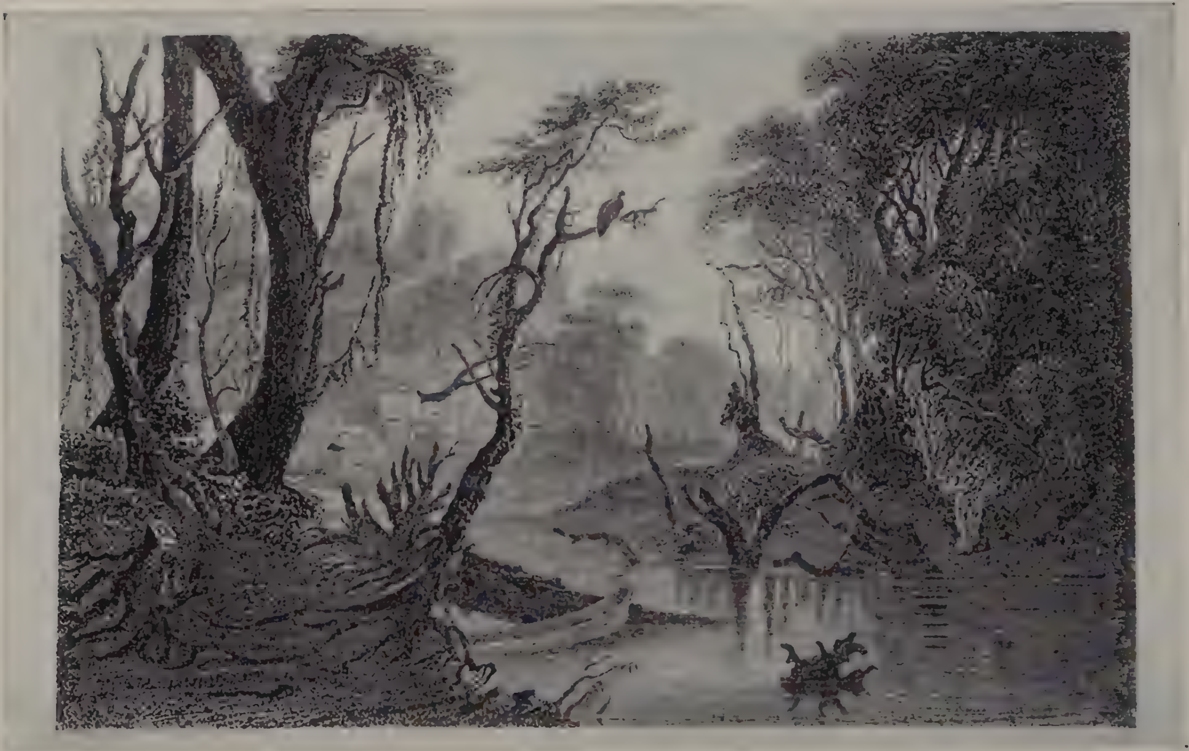
THE FRONTIER CALL

March! March! Hear ye the savage yell!
Far to the north where war whoops are sounding.
March! March! We'll onward to battle
Where Black Hawk and Warriors the helpless are slaying.

Onward! March onward where glory awaits thee!
Remember the deeds of your Spencer and White:
Remember their deeds! Their fame will inspire thee
When onward ye rush, the foremost in fight.

Bright is the laurel entwined for the brave,
Pure be the tears for the Hero who falls;
Honored forever the youth who will save
His country from foes, when to battle she calls.

There is a psychological interest in the impassioned appeal with which the white youth is exorted to save "his country" from its "foes." The white settlers had unlawfully entered the Sac town and lands nine years before. Black Hawk's village had been an established and permanent Sac community for at least a century and a half.



140.—The rich wilderness lands of the interior, into which the settlers were moving. A scene on Cut-off River, tributary to the Wabash. From a sketch by Carl Bodmer, the naturalist and artist. A log-canoe ferry is moored ready for use.

The treaty concluding the war transferred title to 30,000,000 more acres of land from the Indians to the United States. For this territory, equal in size to the state of New York, the natives were promised an annuity of $20,000.[1]

By this period the policy of the United States had proved so successful that, in the North, it was in command of the situation. The Caucasian population was multiplying so rapidly, and means of communication had been so increased by treaty, road building, canal construction and the use of steamboats that no further serious embarrassments were possible in carrying out the plan to push the natives across the Mississippi. A few more treaties were still to be negotiated before the remaining Indian territories in that part of the country fell under white ownership, but their speedy acquirement was seen to be assured.[2] Only one other feature of the time requires attention in completing a picture of the race relations as they then existed in the upper part of the Mississippi valley. That feature may have exerted a strong though regrettable after-influence on the moral fibre of the newer Americans, and was itself, in part, an outgrowth of methods and racial antagonism already noticed. It has been observed that the white people coveted the red men's land, brought pressure on the Indians to induce its sale, and gave money for it. It might be supposed that after a sale of that sort the Indians would then possess money but less territory. Such, however, was not necessarily the case. Very often they possessed neither. The transaction was not always completed to the satisfaction of a certain proportion of the whites until they had the land and money both.

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[1] Representing a lump payment of $333,333, or about ten cents an acre. The Sacs and Foxes gave up 26 000.000 acres and the Winnebagoes 4,000.000.

[2] For a detailed record of territorial purchases from the Indians to the date of its publication, see "Abstract of Indian treaties, whereby the United States acquired the title to lands in the States of Ohio, Indiana, Illinois, Missouri, Mississippi and Alabama, and in the Territories of Michigan and Arkansas. Washington, 1828."

But little has been purposely preserved by the history recording race regarding those details whereby the sums paid for native lands were got back, but in a general way the arrangements for the process can be pieced together. And again, for that purpose, we may with profit turn for a moment to General Harrison's report of 1801. He refers in that letter to the "Traders"; to a fatal affray in one of their establishments in Vincennes, and to the large quantities of whisky brought into the country by them for sale to the Indians. For a century before that document was composed, and for years thereafter, the white government through its various political organizations and agents had granted permits to white men authorizing them to sell merchandise to Indians. Those permits, or licenses, were sought by many white men as a rapid way to accumulate wealth, and the conditions under which such traffic was conducted did, in fact, often offer an opportunity for getting money in quantities that then represented riches. Several reasons combined to produce the result named. In the first place the Indians as a rule were honest in their dealings and presumed the honesty of other men. They were disinclined to question records of commercial transactions kept by white men, and kept none themselves. The goods bought by the white traders cost them[1] but a small fraction of the prices at which they were sold to the natives, and when the Indians paid for their purchases by means of furs or skins, then those skins[2] were, in turn, only accepted at a fraction of their value to the trader. And finally, the methods by which a trader ordinarily kept the record of his accounts with native customers offered unexcelled chances for imposition.

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[1] Even after heavy transportation charges had been paid.

[2] Until the Indians began to obtain cash in large amounts for the sale of lands, furs and skins were specified by legal enactment as the only lawful medium of exchange when goods were sold to natives.

Two examples of this manner of Indian traders' bookkeeping are shown by photographic illustrations elsewhere. They are typical leaves from Indian traders' account books, the earliest dating from 1801-1802 and the second from 1829-1830. Both reveal dealings with natives of the Indiana or Illinois country at the periods stated. The first is an account showing that an Indian called Antoine had been indebted to the trader in the sum of about seventy-six dollars, of which fifty-two dollars had been paid. In order to arrive at a correct interpretation of the account it is necessary to know the chief factors of the wilderness arithmetic table on which, for generations, Indian trade was based.[1] It was as follows:

4 coon skins = 1 "plus"
2 bear skins = 1 "plus"
2 bear skins = 3 "plus"
1 otter skin = 2 "plus"
1 extra good otter skin = 3 "plus"
Beaver skin, per pound = 1 "plus"
Extra fine beaver skin, per pound = 2 "plus"
1 "plus" = two dollars.

Antoine's account, then, showed that he had owed 38 "plus," or $76, which he might pay by any combination of skins acceptable to the trader for that amount. A "plus" was represented in the account book simply by a small vertical mark of the pen. An extra scratch or two and an Indian—by the face of the account—would owe $2 or $4 more, as the case might be. Antoine, it seems, bought $12 worth of whisky at one time.

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[1] The table of fur values as here given is copied from a manuscript found among the Lasselle Papers of the Indiana State Library.

The other account, showing a transaction of about 1830, was kept in figures representing dollars. By that time the Indians were in occasional receipt of cash after selling lands, and paid debts either in furs or coin. In this case the Indian Chequa and his son maintained a joint account and had owed $54.66. Credits by peltries are entered to the amount of $31.33. As in the case of Antoine, there is a charge of $12 for whisky, and still another of $7.66 for the same commodity.

Without question there were honest men engaged in native trade, but the known practises of Indian traders as a class, together with the opportunity confronting them and the almost universal frontier Caucasian estimate of the Indian as a creature deserving but little more consideration than was accorded to an undesirable wild animal, indicate that the whites, in business transactions with red men, generally adopted toward them an attitude lacking in fairness or honesty.

The number of white men engaged in selling merchandise[1] to the natives by governmental permission was always large, especially in the region of an Indian frontier. General Harrison, as an example, issued forty Indian traders' licenses during the short interval between November 20, 1801, and January 7, 1802.[2] By that time, though only four months had elapsed since the preparation of his Report, he had apparently taken the law into his own hands with respect to the liquor traffic. Harrison's printed traders' permits for the period read "the said . . . shall not, by himself, his servants, agents or factors, carry or cause to be carried to the hunting camps of the Indians any . . . spirituous liquors of any kind; nor shall barter or exchange the same, or any of them, in any quantity whatever, on pain of forfeiture of this license and of the goods, wares and merchandise, and of the spirituous liquors which may have been carried to said camps . . . and the Indians of the said nation are at full liberty to seize and confiscate the said liquors so carried, and the owners shall have no claim for the same . . . "

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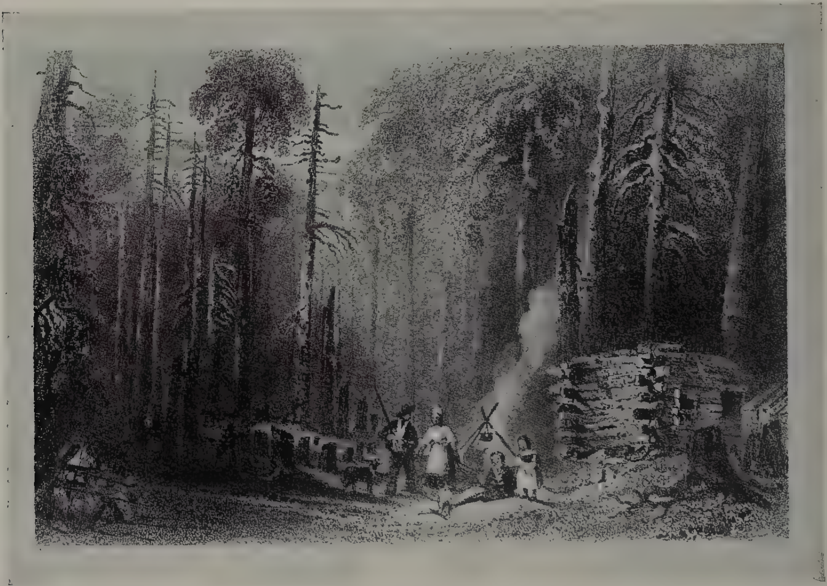
[1] The term "merchandise" at the beginning of the nineteenth century in the Mississippi valley, legally included whisky. That liquor was named in the printed licenses issued to retailers of goods.

[2] A manuscript list of these permits is contained in the Lasselle Papers.



141.—Type of a quickly built and temporary log cabin often set up by new arrivals in the western forest. A cabin like this could be erected by several men in three or four days, and sufficed until the construction of a more pretentious log house. It then served as a storehouse or winter stable.

In March of 1802 the Federal Congress took notice of the subject on which General Harrison had been so emphatic, and passed the following law.[1] "And be it further enacted, That the President of the United States be authorized to take such measures, from time to time, as to him may appear expedient, to prevent or restrain the vending or distributing of spirituous liquors among all or any of the said Indian tribes." But neither Governor Harrison's regulation nor the government's decree had visible effect, and it was not until 1822[2] that any more radical verbal action was taken. In that year power was given to various officials by virtue of which packages of goods designed by traders for Indian consumption might be opened and searched, "upon suspicion or information that ardent spirits are carried into the Indian countries by said traders . . . and if any ardent spirits shall be so found, all the goods of the said trader shall be forfeited."

These local and general laws were ignored by the traders, nor does there seem to have been either a genuine endeavor to enforce them on the part of the authorities, or fear of them by their violators.[3] Various means were used in concerted and widespread effort to make the red man a heavy monetary debtor, and the sale of whisky to him was the most powerful illicit method employed for that purpose. Such a transaction not only netted large profit in itself, but also—which was still more important—brought the Indian to a condition in which he further enmeshed himself in obligations. Then, when the Indian was drunk and had bought what he did not want or did not need, the entries could be made in the trader's account book. It was but seldom that the individual native protested at records which afterward confronted him: the imposing army of straight pen marks or forbidding columns of figures. If he could not find the goods set down against him, then—so the trader might argue or he himself believe—he must have lost them.

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[1] Section 21 of the general laws of March 30, in regulation of Indian affairs. This proviso, coming as it did about nine months after Harrison's plea, suggests that his Report may have been received and have been the basis of Congressional action.

[2] Act of May 6: section 2. Another law, approved on the same day, brought to an end the activity of the government itself as an Indian trader; the practise had continued since 1811.

[3] As shown by the reproduction of Chequa's account, set down in 1829 or 1830, the trader openly recorded his sales of whisky to the Indian, and in a total bill of $54.66 the sum of $19.66 was for that commodity. This is not an isolated or unusual case. It is typical.

These things had a vastly greater significance in Indian trade than they would have had in the similar case of a white purchaser. To the white customer it would have meant an individual obligation merely, or else bankruptcy and relief from debt through legal process.[1] But with the Indian this was not so. White traders encouraged the individual natives to buy and put no limit on the credit extended to them, even though they might be penniless and without peltry. That was one of the surest methods by which the pale-skinned race obtained more travel routes over the face of the land; more square miles of territory.

The explanation of this apparent mystery lies in the fact that, in the last analysis, an Indian's individual debts were tribal obligations. If a member of the tribe could not pay then his nation would pay, and did pay. His race-brothers would sell the far-spreading hunting grounds of the whole people; would sell their farms and the earth above the bones of their fathers, if necessary, rather than let it be said that any member of the tribe rested under an obligation which he could not requite. Therefore it was a practise of the whites to involve an

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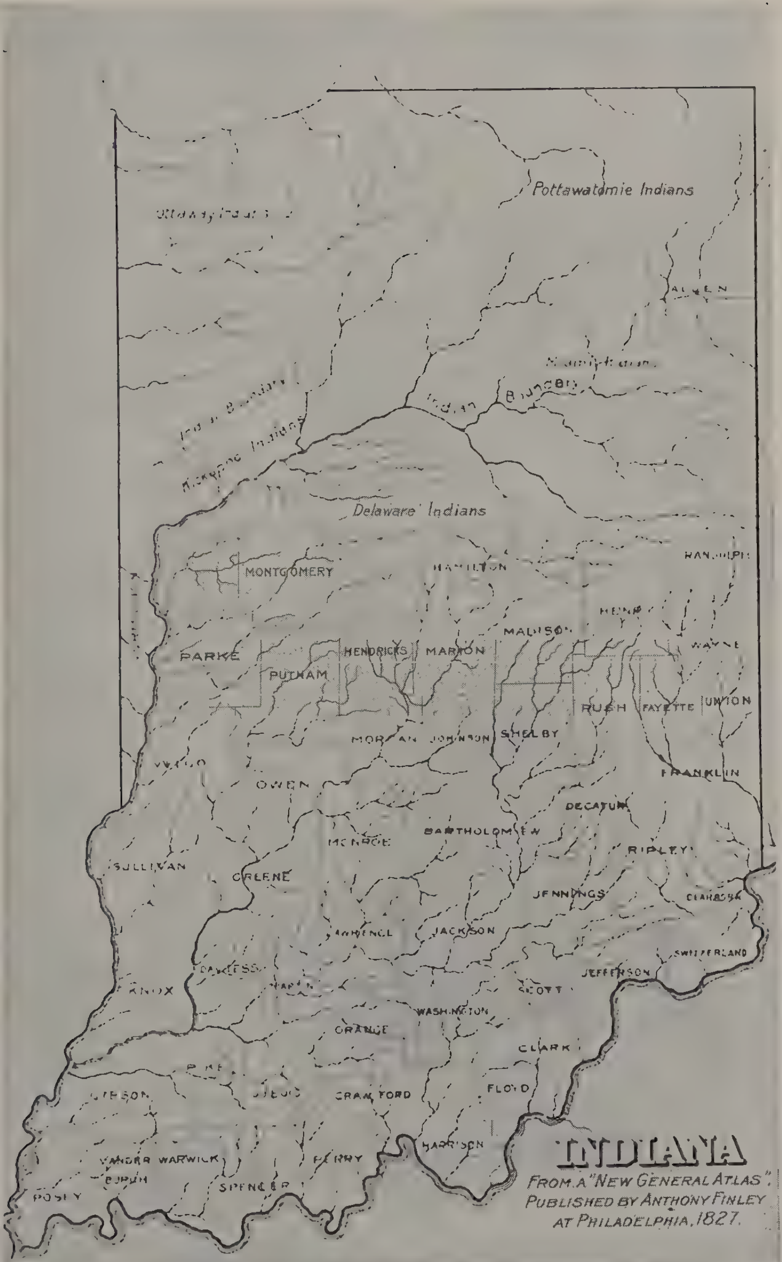
[1] Ordinary dealers in merchandise never extended to poor white men of a community a tithe of the credit that was habitually given to red men by Indian traders.



142.—Third in the series of maps. Indiana in 1827. Showing nearly all the lately purchased territory organized into white counties. The Potawatomi were then the largest proprietors of land north of the Wabash, and their country blocked intercourse between the white settlements of Michigan and Indiana.

Indian nation or community in heavy debt composed of individual accounts while at the same time—as General Harrison points out—driving away the game by wholesale slaughter. With the banishment of animal life from the forest the natives could not offset their debts with furs and skins, and a sale of tribal land to the government was their only recourse. When the day approached whereon they were to be reimbursed by Federal money for ceded territory their creditors gathered at the appointed spot.[1] The accounts of the traders, and of all others who—either honestly or dishonestly—claimed reimbursement for goods sold or services rendered were presented to the tribal council and paid. Often, in such cases, there was no money left. If there was, then whisky and merchandise appeared as soon as the national government's representatives had finished their work and gone away,[2] and the tribe was once more started on its path around the same financial circle. The white men also began their work of cutting new roads through the ceded region and dividing it up into farms.

On occasions when it was known that the Indians were to receive considerable amounts of money there were sometimes disorders at Payment Grounds. Perhaps the curtain of hypocrisy would for the moment be torn away and avarice, dishonesty, imposition, fraud and theft would be disclosed, like a flock of vultures waiting for the feast. Such incidents were hushed up if possible, however, and rarely attained more than a local publicity. They were among the things concerning which but little was said in the public prints of the day. Only when white men friendly to the Indians were present, and when the proceedings excited the anger of such white men to a point which overcame considerations of self-interest, was clamor made. And even then it was necessary for the friendly whites to voice the Indian protest, for the red men, if left to their own initiative, generally decided to endure in silence.

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[1] The place where government officials met the tribe to pay over the purchase money was called a "Payment Ground." The cash was usually given to the natives in the shape of silver dollars, packed 1000 in a box.

[2] Which was usually very quickly.

An event somewhat of this sort happened in connection with the payment of $63,000 to the Potawatomi Indians of the Wabash, in 1836. These were the Indiana Indians who, ten years before, had granted to the United States and Indiana the right to build the Michigan Road, and who had also parted with some of their land in order that it might be constructed. The Wabash Potawatomi had in 1836 sold the remainder of their heritage and had gathered to receive their money. Part of the tribe, as usually happened in transactions of the sort, was strongly opposed to removal beyond the Mississippi, but the treaty had been signed and further objections by the disaffected ones, though bitter, were futile. A record of what happened at the Payment Ground was made by a white man friendly to one native faction, and from the account therein contained—and also from what appears between the lines of it—can be reconstructed the drama which led up to and accompanied the disappearance of the Potawatomi from their former home. That division of the nation which objected to the sale and removal also had its white champion, and his views are indirectly set forth by the chronicler. Both native factions were of course willing to pay their just debts. The main contentions were concerning the methods by which the whites had secured the treaty, and over the disposal of the money received. The narrative is in the shape of an appeal to the President by the treaty-signing faction, and reads as follows:[1]

To our Great Father,
Andrew Jackson,
President of the United States.

". . . .Father, we have always listened well to your good advice and wise counsels, and we find them good. We know you are a great, brave and good man, that you will do as you promise. We come now with sore hearts and our minds filled with sorrow to speak with you and tell you true. We intended to speak to you through our Father whom you have placed here near us (Col. * * * *) [2] but he has gone away and can't hear us. Before we had signed treaties to him, Father, for all our Lands, he was always ready to hear us and to promise us the protection of your strong arm [3] but now he has our Treaties in his pocket for our entire Country, he has no time to hear us, nor to protect us. . . .

"We wish and intend to follow the advice and counsels of our Great Father and we look to him for support and protection. That protection has been promised us, and which was a strong inducement with us when we sold our Lands. . . Again we saw there were too many white people about our reserves for us to live on them in pease and we signed a general Treaty in September last, selling all our lands to our Great Father, and agreed to go West of the Mississippi, and accept of that home he had there provided for us.

"Father, so soon as this fact was known . . . being now assembled together near the Tippecanoe River where we were to receive our money a great excitement prevailed. Those Indians who opposed us held a Council of War and resolved that every one of us who had signed the Treaty should be killed, and they proceeded to appoint War Chiefs whose duty it should be, and now is, to see their decree put in execution And on the next day, being the day on which we had received our annuity and Treaty money, the house we were in transacting business was surrounded by those Indians and their associates and advisers. . . . Alex Coquillard, a bad man who has always opposed our Great Father's policy, was among them. . . . He got upon a house and made a speech. . . . He told them we were not Chiefs, that we were boys and hog thieves, that the President of the United States was a bad man, a rascal, and that he had stolen the Indian Lands, that he was now robbing them of their money (because we were willing to pay our just debts) and that he would next send us away like dogs west of the Mississippi where we would be poor and unhappy. . . .

"Father, when the white people found we were willing to pay our honest debts and that we were willing to appropriate the most of our money[1] for this purpose they began to make papers [claims] and in this way and upon the Payment Ground, whilst we were transacting our own business and trying to do what was right and honest, claims and papers amounting to $200,000 were made and pushed in upon [us] for immediate payment. . . . Many large claims were urged by men from the River Raisin and from Detroit and from Post Vincennes of twenty-five and thirty years standing. Those we have no knowledge of, believe they are not just, and are not willing to pay any such claims. All the claims were paid by us in the treaties of 1826, 1828 and 1832, and some of them paid two or three times over. These claimants after getting drunk . . . rushed into the house in part and others began to tear it down, crying 'we will take the money by force,' and in this way a general mob took place. . . . We went to our Agent and reminded him of his promise that he would protect us and that we expected him to do so, that we had not done anything wrong as we were aware of. He spoke like a man to us, and said that the Great Father never broke his word and that he [the Agent] would protect us or would die, us to be quiet and keep still and leave the balance to him. This speech he made to us through our friend Ewing[2] and we believed it. . . .

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[1] Copied from the manuscript contained in the Lasselle Papers, in the Indiana State Library.

[2] Name stated in manuscript but omitted here. The Indian Agent.

[3] The "strong arm" of a President, or of the United States government, was an Indian figure of speech meaning the army, or soldiers.

"We then agreed, in order to satisfy the white people that we wanted to do what was right, that Colonel * * * * and Captain Simonton[3] might select five good white men more who should be entirely disinterested and they should be under our control, should help us pay out part of our money to our own people, and that they then should pay out such sums on the different claims against us as we should direct them to pay, after having first examined the claim and satisfied ourselves it was just. To do this it was thought best to remove the money from the payment ground to Judge Polk's about three miles distant. Accordingly five men were named by our Agent, but he did not select good or honest men, nor were they disinterested. . . .

"Our agent, after having told these men that they were to pay out that money as we should direct, and presuming we supposed that there would be no further trouble about it, left us and went into Logansport which we were very sorry for. He had promised and we think he should have staid with us until we had finished our business, for no sooner had he left than those five men took full possession of our money. We were not permitted to go into the house but were turned out and told that we had nothing to do with that money, that they were going to do as they pleased with it and truly they did so. . . . They never examined one single claim nor asked us whether we did or did not owe certain claimants but gave it out thus arbitrarily or kept it themselves in part we know not how. Nor will they even give us a list of the names of the persons to whom they paid away our money.

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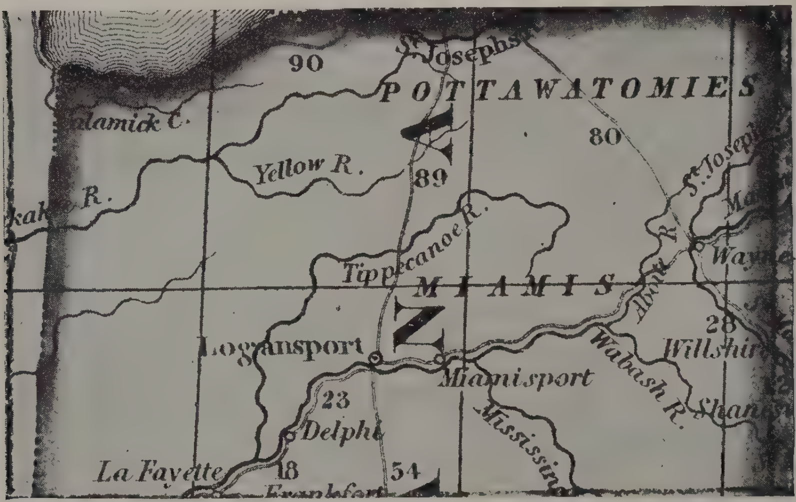
[1] The amount received by the native nation on this occasion was "Sixty Three Boxes"; that is to say, $63,000. The accounts against members of the tribe which the Chiefs believed to be honest and were willing to pay amounted to the sum of $40,000.

[2] Ewing, who had lived among the Potawatomi for fifteen years, spoke their language. It was Ewing who prepared the manuscript letter here quoted.

[3] Whose only relation to the matter lay in the fact that he was the army officer who brought the money and paid it to the Indians.

"Father, is not this Robbery? And will you suffer us to be thus abused? We owed honest debts and were anxious to pay them, but we wanted the privilege of settling those debts ourselves . . . we poor, no money and those who have cheated us out of our money are gone we know not where. . . . . We wanted to talk to our Father, the Agent, but he left this morning.



143.—Examples of roads built through Indian territory by native consent, in order that white men might travel between their disconnected settlements. Showing the Michigan Road (in the center) granted to the United States by the Potawatomi of Indiana by treaty in 1826. The Indians donated the land occupied by the highway and additional land whose sale procured enough money to pay for building the road, which extended to the Ohio River. From Mitchell's "Travellers' Guide Through the United States: 1835."

"It is true we have no more lands to sell, but we hope our Great Father will not refuse to listen to his red children because they have no more land to sell. We have sold all our country to you, Father, because you told us you wished us to do so, and we are always willing to listen to your good counsels. . . .

"We want our Great Father to send a good talk to this frontier. Tell these bad Indians and the bad white people, too, that they must not do as they have done and that you will punish them for the injury they have already done. . . .

"Father what we have said comes through our hearts. It is true and we have nothing more to say."

A Federal investigation resulted in this instance, and its findings were printed in two obscure pamphlets during the following year.[1] Among other statements made by the Commissioner in his report was the following:

> "The gentlemen who distributed the money in 1836 also preserved and delivered to me most of the claims presented to them, and the receipts then given for the money, which they paid. Those papers I also transmit herewith. They show several instances in which persons obtained money in 1836 to which they had no claim, and in direct violation of their full acquittances of the previous year. . . ."[2]

The report also said:

> "It is evident from all this that these Indians are fast sinking to the most abject poverty, and when to this is added the habits of intoxication which are produced by their vicinity to the white people, we must be aware that their entire destruction is close at hand. . . . They must be removed beyond the Mississippi, out of reach of the white men. . . . To remain among the white people must be certain destruction to them. . . . A regulation rendering it impossible to collect of an Indian a debt of more than a year's standing would save them from a load of imposition. . . . They feel, as one of the Chiefs expressed it to me, 'These things make us blind; we cannot see; do you see for us.' "[3]

Reduced to figures the Commissioner reported the following financial situation of the tribe:

Total claims of alleged creditors	$169,446.64
Obviously fraudulent and unsupported	83,883.50
Compelled to allow[4]	85,563.14
Paid out in cash to creditors	62,802.10
Cash left to Indians out of $63,000	197.90
Indians still in debt	22,761.04

To which he adds that the nation had already paid in cash to creditors $27,022.50 in 1835 and $41,150.00 in 1836.

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[1] "Report of J. W. Edmonds, United States Commissioner upon the Disturbance at the Potawatomie Payment, September, 1836. New-York: 1837."
"Report of John W. Edmonds, United States Commissioner on the claims of creditors of the Potawatamie Indians of the Wabash; Presented under the Treaties made with them in 1836 and '37. New-York: 1837." Neither of these reports bears the United States government imprint.

[2] Report on the "Claims": p. 5.

[3] Report on the "Disturbance": p. 7.

[4] Though he says many here included were probably fraudulent. However, the account books of creditors were produced as proof of the debts.

Here, then, was a small and comparatively insignificant Indian tribe[1] which, in two years' time, had lost all its territorial possessions, had paid out $130,974.60 in money, and still owed $22,761.04. The case is one which illustrates what has been said, namely, that in transactions involving purchases of territory from the natives there was a part of the white race which did not consider the matter satisfactorily closed until it had the land and money both. Nor was the instance, in its general features, an isolated one either in the North or South. The methods illuminated by it had been in operation for many years. In 1830 the Miami nation of Indiana[2] had undertaken to build up a civilization resembling that of the surrounding white race, and even appropriated money out of the national fund for use in the education of its youth. Yet by 1840 the red community was overwhelmed by a traders' debt of $300,000.00, was forced to sell its territory, and its creditors had an influence sufficient to cause the insertion of a proviso in the arrangements which declared that the sum named must be applied at once "to the payment of the debts of the tribe."

No satisfactory estimate of the extent of the business carried on by traders with the Indians or set down in their books as a basis for future claims can ever be possible, but from the instances here mentioned, which affected only about two thousand red people in one end of one state, and which were embraced within a period of ten years, it is apparent that the similar aggregate dealings throughout the country were enormous. They were a part of the white man's procedure, privately conducted and governmentally tolerated, which had for its design the weakening and ousting of the Indian in order that the newer race might spread over the land without physical conflict. The system of which such transactions were a part, and into which they fitted, was a masterpiece of economic, social and commercial diplomacy from every standpoint except that of the aborigine.

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[1] It numbered but about a thousand souls, all told.

[2] Neighbors of the Potawatomi.

The original and most effective use, in America, of the principle of monopolistic combination and the suppression of competition as a means of acquiring wealth and economic power, lay in the policy pursued by the Federal government toward the Indians for the purpose of acquiring native territories. The white commonwealths acted as a combination; objected to combination by their opponents; denied advice to their adversaries; created conditions that weakened the opposition; refused to permit the opposing side to deal, in land transactions, with other customers than themselves; and fixed the prices that were paid. As a consequence the white monopoly was able to buy hundreds of millions of acres of Indian lands at an average cost of about three and a half cents an acre.

The later copying of this governmental example by groups of private individuals, and the application of identical practises to economic phases of national development conducted under private auspices, led to those commercial monopolies and business methods which the Federal government now characterizes as reprehensible and is seeking to abolish under conditions providing for restitution to the injured and punishment for the wrongdoers.

CHAPTER XXV

A STRANGE SITUATION IN THE SOUTH — PROBLEMS CREATED BY THREE OVERLAPPING AND CONFLICTING SOVEREIGNTIES—OVERLAND COMMUNICATION BETWEEN NORTH AND SOUTH BLOCKED ALONG A LINE OF SIX HUNDRED MILES — HEAVY PUNISHMENT FOR UNLAWFUL TRAVEL — THE INDIANS GIVE ROADS THROUGH GEORGIA, ALABAMA, MISSISSIPPI AND TENNESSEE TO THE WHITES — FEDERAL GOVERNMENT DESIRES NATIVES TO MAINTAIN TAVERNS AND FERRIES FOR AUTHORIZED TRAVELLERS — THE CHEROKEE NATION BECOMES PART OWNER OF A WHITE THOROUGHFARE AND RECEIVES MONEY FOR PERMITTING UNITED STATES CITIZENS TO JOURNEY BETWEEN GEORGIA AND TENNESSEE — CAUSES OF THE STRENGTH AND DEVELOPMENT OF THE SOUTHERN RED NATIONS — THE LAW OF 1802 AND THE GEORGIA COMPACT — ELEMENTS OF FUTURE TROUBLE

THE methods by which the white race secured in the South a right to travel through and settle in that region during the period previous to the introduction of the railroad, and by which they also linked their southern settlements with one another and with those of the North by overland routes, closely resembled in some particulars the processes just described. But in certain other of its features, and also in some of the results which flowed from them, the situation in that part of the country was quite different from the one already outlined. Several factors contributed to this state of affairs. The white population, for one thing, was smaller than in the northern states and territories, and the native nations, though fewer in number, were larger and more powerful both in population and landed possessions. There was also for a considerable time, less close intermingling of the races. This resulted in the longer and more vigorous maintenance, among the southern Indians, of those native qualities of self-respect, dignity, sobriety, home-love and desire for self-government that were imperilled by intimate contact with Caucasians.

It is probable that shortly after the beginning of the nineteenth century the red commonwealths of the South[1] contained an aggregate population of a hundred thousand souls and that they owned not far from a hundred thousand square miles of territory, or an area considerably more than twice as large as that contained within the boundaries of the state of New York. These extensive holdings were of course divided into different tracts, some of which were entirely surrounded by possessions of the United States while others adjoined neighboring Indian territory on one or more sides.

At the time mentioned and for years afterward, the districts occupied by white men in Louisiana, in southern Mississippi, Alabama and Georgia, and also in Spain's territory of Florida, were almost entirely cut off from unimpeded overland intercourse with the North[2] by a chain of Indian nations that extended westward with scarcely a break from South Carolina to the farther side of Arkansas Territory, a distance of more than six hundred miles.[1] Along the southern boundaries of North Carolina and Tennessee, and extending far south into Georgia, Alabama and Mississippi, lay the rich countries of the Cherokees, Creeks, Chickasaws and Choctaws. These were then the most powerful red peoples within the boundaries of the so-called United States east of the Mississippi River. Their land holdings were compact and extensive; their population large, vigorous and intelligent. The regions they owned were not only valuable, but from the economic standpoint of the expanding white race, extremely important. Yet for a generation those tribes clung with tenacity to their historical position; secured in long established and undisputed rights; holding no official dealings with white men save through the Federal government of the United States by treaties.[2] They governed themselves, and their right so to do was acknowledged.

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[1] The principal native peoples of that part of the continent were then the Cherokees, Chickasaws, Choctaws and Creeks. The Seminoles occupied Spanish territory, in Florida.

[2] Except by consent of the natives.

These conditions in themselves presented an extraordinary and grave problem to the new white nation, and one demanding, for its final settlement with mutual honor and benefit, a high degree of statesmanship on both sides. And there was still another element to the situation that gave it an even greater complexity. For the geographical boundaries of the four most important Indian nations of the South—as those limits had been defined and guaranteed by treaties with the national government of the United States—included, in each case, parts of two or more different states of the Federal Union. The possessions of the Cherokees embraced undivided and continu-

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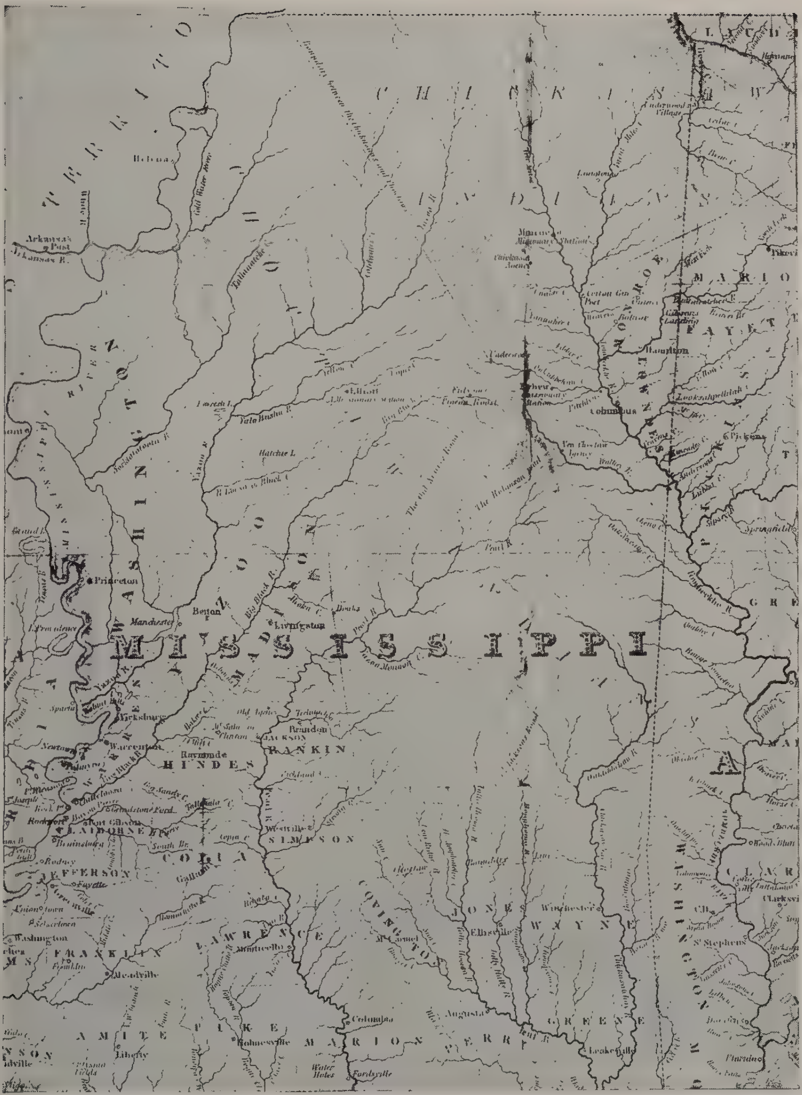
[1] The southern territory within the present limits of the United States, not including Florida, which was acknowledged by treaty to be within the ownership and jurisdiction of Indian nations, originally exceeded in size the combined area of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New Jersey and Delaware.

[2] Except in the technical case of a few hundred Indians in South Carolina who by consent of the Federal government and natives, treated with the state directly.



144.—Map showing the overlapping of three white and red sovereignties in the South. The Chickasaw nation, by treaty with the United States, extended across the state line into Alabama, north of Marion county. The Choctaw nation's southern boundary penetrated Alabama to the Tombeckbe River, at a point north of Washington county. The map also shows The Old Natchez Road, built through the two Indian nations by their consent; the Robinson Road, General Jackson's Road, and other thoroughfares permitted to the whites by the natives. From "Mitchell's Map of Louisiana, Mississippi and Alabama, 1834."

ous lands extending across the boundary lines that separated Georgia, Alabama, North Carolina and Tennessee, and included territory in all those commonwealths. A like condition was true with respect to the Creek nation in Georgia and Alabama. Further to the west the Chickasaws and their southern neighbors the Choctaws owned about half of the state of Mississippi, and in each case their national possessions and authority extended eastward over contiguous and unseparated districts into Alabama.

Here, then, were three apparently overlapping and conflicting sovereignties occupying the same geographical limits. The separate white states acknowledged allegiance to their common Federal government. The national white union conducted the mutual affairs of the white states while at the same time it recognized the sovereignty of the red nations, and defined the territorial limits of those native peoples by treaties that admitted their ownership and control of lands which lay within and overlapped the theoretical boundaries of white political divisions. The Senate approving those treaties was composed of representatives of the affected Caucasian states.[1] The southern white states among which lay Indian nations acknowledged that their own jurisdiction did not cover the native possessions or peoples. And finally, the Indian commonwealths neither owed nor gave allegiance to local Caucasian laws, but conducted their relations with the white race through treaties with the United States and its accredited national representatives resident among them.

Such in effect was the situation in the South at the end of the long period during which the Indians had resorted

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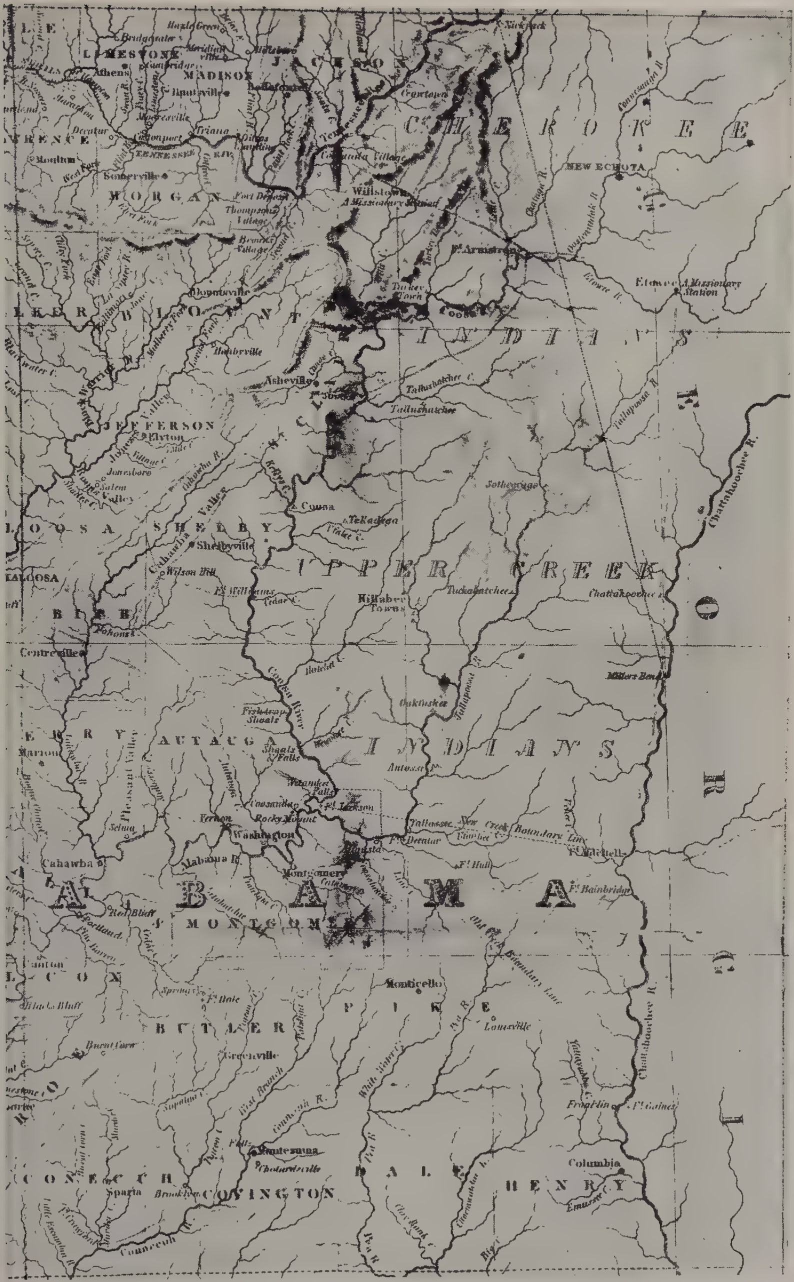
[1] For all the white states were intimately concerned in the question of Indian possessions and sovereignty.



145.—Showing the Cherokee and Creek nations overlapping the boundary between Georgia and Alabama. All white roads came to an end when they reached the Creek country. The highway through the Cherokee nation from Etowee to the Tennessee River was the Unicoy Road, for the use of which, by whites, the Cherokees received monetary payments. From the same map as the preceding.

to warfare as their chief method of preventing Caucasian advance over the face of the land. The strong, ambitious, restless, arrogant and intolerant multitude of comparatively late arrivals had won their own independence and formed a far-spreading political organization. And at almost the outset of their national career they were confronted by the fact that their apparently close-knit union was not one in actuality, and that their intercourse and association with one another were in many localities impeded by the conditions here recited. The Federal government had taken a position concerning the standing of the red nations that was destined to interfere seriously with the methods, convenience, desires and ambitions of the individuals and communities of which it was composed.

That such a condition contained the elements of future trouble is apparent. The only way in which trouble could have been avoided under the circumstances was through the exercise by the master-people of those traits of friendliness, forbearance and good-will which were so obviously demanded by the situation and by their own acts and pledges. A sincere endeavor based on those motives of human action, rather than on hostility and greed, might have solved the problem. Had such an attempt been successfully made the white race in this country would perhaps for a time have remained somewhat less opulent in its material possessions, but it might also have offset the worldly loss by gaining a larger store of that inward wealth of honesty and fair dealing between man and man which was then overlooked, which has since been so much needed, and which in the end is a more secure foundation for national health, strength and wealth.

In view of the attitude long held toward the red men in all parts of the country it is not surprising that the event fell otherwise. Trouble did arise within a generation, and before the crisis was passed the country had been brought within measurable distance of disturbances which would have amounted to civil war.

The first important treaty negotiated by the United States with a southern Indian nation after the adoption of the Federal Constitution in 1789, was one made with the Cherokees in 1791. By that instrument the natives ceded a little land and granted two important travel concessions to the whites. Article V said:

> "It is stipulated and agreed that the citizens and inhabitants of the United States shall have a free and unmolested use of a road from Washington district to Mero district,[1] and of the navigation of the Tennessee River."

This treaty was the outgrowth of a previous negotiation between the same parties in 1785, which had declared that a white intruder on Cherokee territory "shall forfeit the protection of the United States, and the Indians may punish him or not as they please." The violation of the compacts of 1785 and 1791 by whites was described by Secretary of War Knox as disgraceful.[2] When the treaty of 1791 was drawn it repeated the prohibition of white intrusion into Cherokee territory and contained a provision that no United States citizen might travel in the Cherokee sovereignty without a passport. Nevertheless white men continued to enter the forbidden region without permission, and after finding themselves unable to keep intruders out by means less severe the Indians punished invaders by death. Such methods were extreme, but the natives were within their treaty privilege. They could fix the punishment. Other white men retaliated by killing friendly Indians without provocation, and the red men, angered by the way in which their rights were ignored, committed similar crimes. They also demanded the protection of Congress. The Federal government attitude at the time, as put into words, can be shown by a communication from Jefferson to General Knox, in which he said:

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[1] In Tennessee.

[2] And as due to the attempt of "white people to seize by fraud or force" the Indian land.

> "Government should firmly maintain this ground, that the Indians have a right to the occupation of their lands independent of the States within whose chartered lines they happen to be; that until they cede them by treaty, or other transaction equivalent to treaty, no act of a State can give a right to such lands. . . . The Government is determined to exert all its energy for the patronage and protection of the rights of the Indians." [1]

In actions, however, the national administrations of the period were not effective in abating the troubles complained of, and more or less friction was always existent on the Cherokee frontier. The next treaty with the Cherokees, in 1798, was distinguished by another travel concession to the white republic. Its seventh article read:

> "The Cherokee nation agree that the Kentucky road, running between the Cumberland Mountain and the Cumberland River, where the same shall pass through the Indian land, shall be an open and free road for the use of the citizens of the United States in like manner as the road from Southwest Point to Cumberland River."

Tennessee and Kentucky were the most thickly populated and important outlying regions held by the whites, and the travel privileges already obtained from the Cherokees, and here referred to, had been for the purpose of gaining a freer movement between those interior parts and the East. It was also highly desirable that other

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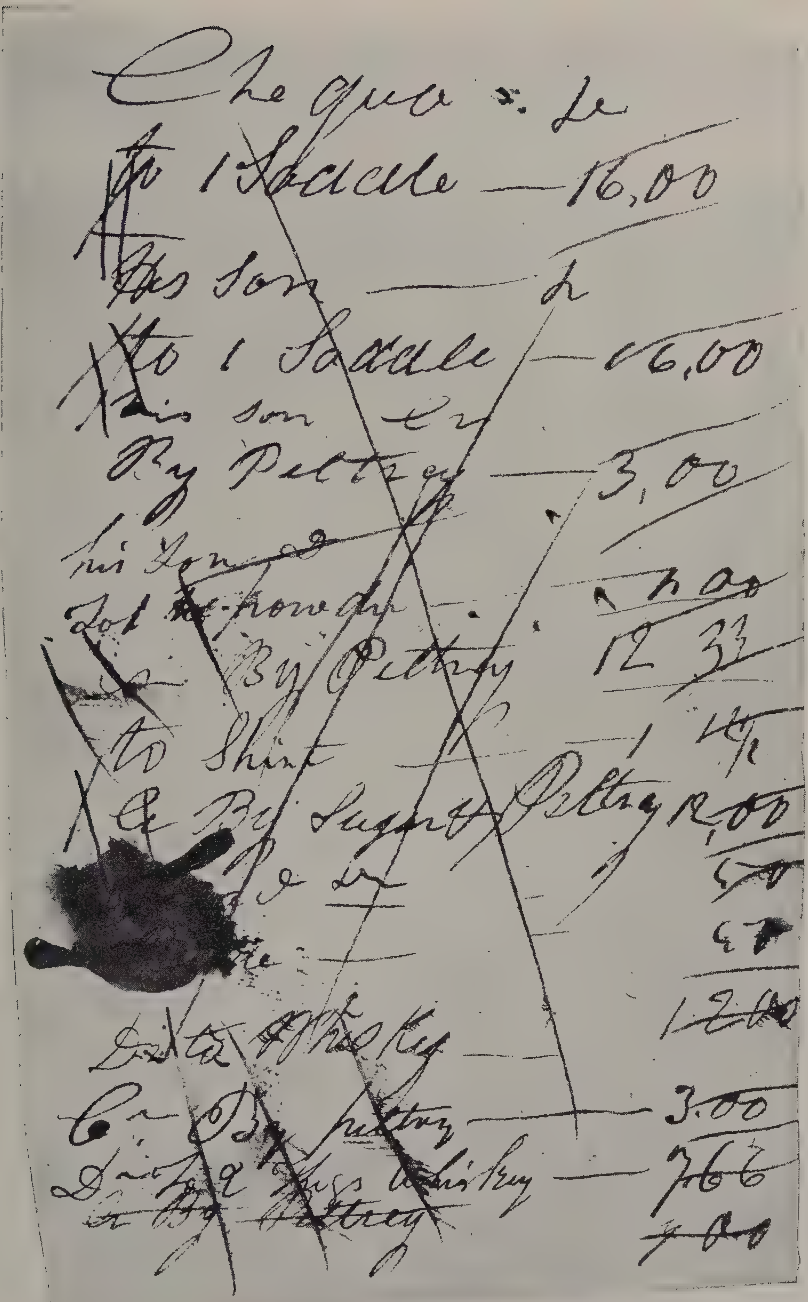
[1] Previously, and under the Confederation, the question of state rights in the matter of an Indian treaty had arisen in 1785, when North Carolina fruitlessly protested against the Cherokee compact as infringing the legislative rights of that state. After 1785, for more than forty years, no state took the position that such negotiations were not properly a function of the Federal Union.



Chequa & Le
To 1 Saddle — 16,00
His Son — Dr
To 1 Saddle — 06,00
his son Cr
By Peltry — 3,00
his Son Dr
To 1 lb powder — 2.00
By Peltry 12 33
To Shirt 1 [illegible]
Cr By Sugar & Peltry 2,00
[illegible] Dr
50
67
12.00
Ditto 4 Whiskey —
Cr By Peltry — 3.00
Ditto 2 Kegs Whiskey — 7.66
~~Cr By Peltry 7.00~~

146.—Selling goods to the Indians on credit, under governmental authority, continued unabated. Page from an Indiana-Illinois trader's book in 1829-1830. Amounts set down in figures. The Indian was debited with $54.66, of which $19.66 was for whisky.

similar routes be secured which would permit the white people of Kentucky and Tennessee to reach United States settlements in Mississippi and other sections of the South by overland travel. So in 1801 two treaties were negotiated with the powerful Chickasaw and Choctaw nations, whose possessions obstructed such movement, whereby the much-needed roads were obtained. Article I of the Chickasaw treaty was as follows:

> "The Mingco, principal men and warriors of the Chickasaw nation of Indians, give leave and permission to the President of the United States of America to lay out, open and make a convenient wagon road through their land between the settlements of Mero district in the State of Tennessee and those of Natchez in the Mississippi Territory, in such way and manner as he may deem proper; and the same shall be a highway for the citizens of the United States and the Chickasaw. . . . Provided always that the necessary ferries over the water courses crossed by the said road shall be held and deemed to be the property of the Chickasaw nation."

And article II of the Choctaw treaty read:

> "The Mingos, principal men and warriors of the Choctaw nation of Indians do hereby give their free consent that a convenient and durable wagon road may be explored, marked, opened and made under the orders and instructions of the President of the United States, through their lands to commence at the northern extremity of the settlement of the Mississippi Territory, and to be extended from thence . . . until it shall strike the lands claimed by the Choctaw nation; and the same shall be and continue forever a highway for the citizens of the United States and the Choctaws."

In this way, and by permission of the Indians, the country obtained a highway which was for more than thirty years the principal overland thoroughfare between North and South in the Mississippi valley. It came to be universally known as the "Old Natchez Road," and was one of the main factors in populating and upbuilding the interior, ranking in importance with the Cumberland and Michigan Roads. Both treaties here quoted were necessary for its creation, and it extended for about two hundred miles through Indian sovereignties that could not have been crossed by white travel and commerce without it and the consent for its construction. Far indeed were the white Americans, during the period between 1800 and 1830, from right to go where they pleased in the United States without permission.

During the same year of 1801 the Cherokees were asked to cede more land and permit the construction of certain roads through a part of their territory for the greater convenience of white travel, but they declined to grant either request at that time. In the instructions given to the Federal commissioners who then visited them was contained the following language:

> "It is of importance that the Indian nations generally should be convinced of the certainty in which they may at all times rely upon the friendship of the United States, and that the President will never abandon them or their children."

The year 1802 was marked by the passage of a Federal law entitled "an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers." This legislation contained various provisions recognizing the sovereignty of the still existing Indian nations, and two of its sections were afterward destined to play a profoundly important part in the final diplomatic contest between the races. One of its articles subjected United States citizens to fine and imprisonment if they entered the Indian nations south of the Ohio River without Federal passports. Another forbade any representative of an individual state to discuss the land question with natives except at a United States treaty conference, and in the presence and with the approbation of the Federal commissioner. A third section provided that if an Indian came into a white state and committed a crime, the state could not seize him except in its own jurisdiction. If he escaped back into native jurisdiction the state could not act, but an application for extradition of the criminal Indian must be made "under the direction or instruction of the President of the United States," and by a Federal official. The Indian nation then had a year to comply, and the United States guaranteed indemnity to the injured white person.

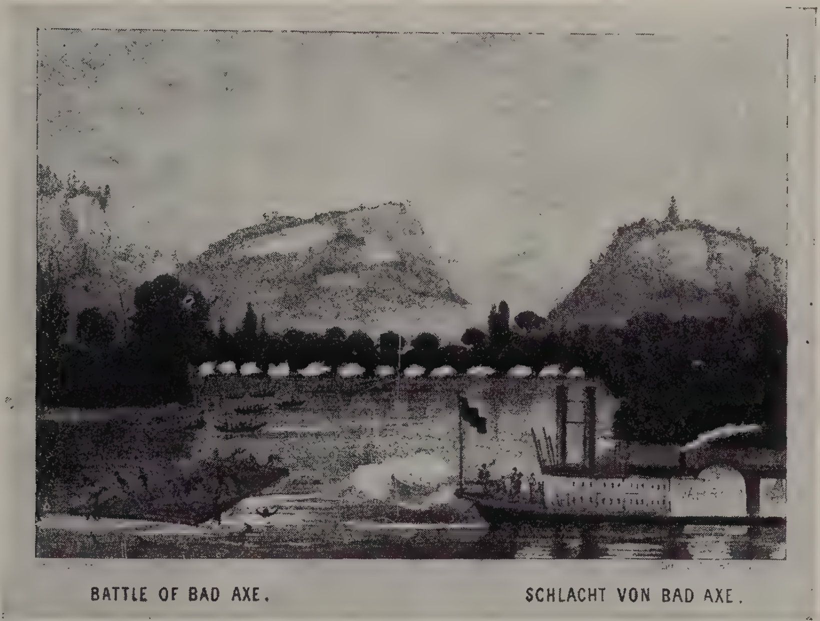
But the two parts of the law of 1802 which were later to have such deep effect on the affairs of the two races were sections V and XIX. The first of these read:

> "That if any such citizen or other person shall make a settlement on any lands belonging, or secured, or granted, by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands . . . such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment, not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force as he may judge necessary; to remove from lands, belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen, or other person, who has made, or shall hereafter make, or attempt to make, a settlement thereon."

And section XIX ran:

> "That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states, or the unmolested use of a road from Washington district to Mero district, or to prevent the citizens of Tennessee from keeping in repair the said road, under the direction or orders of the governor of said state, and of the navigation of the Tennessee River, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement, or to the settlement on Obed's River (so-called), provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said traces, or either of them, as the case may be, after which the penalties of this act shall be incurred by every person travelling or being found on said traces, or either of them, to which the prohibition may apply, within the Indian boundary, without a passport."

It would be difficult to show more clearly than by the significance of this language, the dependence of the United States on the red race at that time for the privilege of lawful travel in some parts of the country. The mere objection of the Indians to the use of certain paths by the whites was a sufficient cause for the President to issue a public proclamation to the whole people, informing them that if they ventured on designated roads without passports they would be liable to arrest, fine and imprisonment.


BATTLE OF BAD AXE.
SCHLACHT VON BAD AXE.

147.—The battle of Bad Axe, fought on the Mississippi at the mouth of Bad Axe River, in 1832. Culmination of race troubles brought about by the entry of white men into the Illinois country. A steamboat was used in the fight by the government troops. Many men, women and children of the moving Indian village, guided by Black Hawk, were killed. After a sketch by the American artist Henry Lewis.

Interesting as is the revelation of travel conditions thus made, however, the particular feature of section XIX, fated to become so vital at a later date, was the first portion of it, which discusses the law in its relations to "Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states."

It is apparent that we are here dealing with a sharp and intentional distinction between two separate and widely differing conditions of Indian society. To one of them, and to the relations of the white race with it, the law applied; to the other it did not. If the difference in the two sorts of native life was sufficiently pronounced to render the same law applicable to one and yet unfitted for the other, then that distinction between them must have been radical indeed. The quesion arises: What is the meaning intended to be contained in the language of the law?

The only manner whereby that part of native society untouched by the law is defined, is its description as "Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states." Now as a matter of fact — in one sense — all the Indians in the country east of the Mississippi lived on lands in some degree surrounded by United States citizens, since all the remaining Indian sovereignties were, geographically, scattered over the continental area like plums in a slice of pudding. Yet it is obvious that the distinct red nations still owning their own territories were not included, or intended to be included, in the exception named in the law to which the act did not apply, because regulation of intercourse between those native states and the whites was the purpose of the act. Those native sovereignties were still further removed from inclusion in the Indian society untouched by the law through the fact that they framed and lived under their own governmental regulations. In order that a group of Indians might be embraced in the section of red population which the Federal law of 1802 did not affect, it had to be both surrounded by white settlements and "within the ordinary jurisdiction of any of the several states."

Congress therefore meant to describe in its exception those numerous small communities of red people, here and there, which had lost all their national functions and vitality.[1] Such fragments of once strong tribes had in the slow lapse of time — and in nearly every case prior to the organization of Constitutional government — given up their native rights and customs, fitted themselves into their new surroundings and voluntarily placed themselves, little by little, under the statutes and protection of the white states in which they lived. By their relinquishment of ancient privileges and treaty relations with the national government they had thus finally come, as the law of 1802 described it, within the "ordinary" jurisdiction of the white people. And, also, such little groups lived within close and constant reach of established seats of justice and all the operating fabric of white government, to which they might resort upon desire, or which could extend a hand to seize them, if need be, without undue exertion or the creation of new machinery or jurisdiction for the purpose.

That, in short, seems to have been the Indian population which Congress intended should be unaffected by the operation of the law of 1802. The people were quite familiar with those natives who had thus become virtually merged with white communities, just as they also knew the large, powerful red nations who still governed themselves, who still held immense territories and to whose courtesy they were often indebted for the privilege of travelling somewhere. So well known to every class of white society and to government were the two elements of red population and the radical differences between them, that their further identification by Congress was probably considered superfluous. Yet on the interpretation, by one man, of this short passage of forty-one words was later to hang the fate of a widespread, flourishing, peaceful Indian civilization, and the destiny of the red race.

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[1] As the Shinnecocks of New York, Penobscots of Maine, Narragansetts of Rhode Island, Nanticokes of Maryland, Pamunkeys of Virginia, and many dozens of other tribal remnants.

Still another event of the year 1802 was ordained to figure with equal prominence in the eventual downfall of Indian effort to build up a modern social and economic system. Georgia, in that year, ceded to the United States "all the right, title and claim" which she had in the country lying immediately to the westward. Out of the region thus acquired by the Federal government were soon afterward erected the territories of Alabama and Mississippi. The United States paid to Georgia a cash consideration and also promised to extinguish Indian title to native possessions in Georgia "as early as the same can be peaceably obtained, on reasonable terms."[1]

More overland routes were constantly being asked of the southern red nations, and by 1805 the Cherokees were again in an obliging frame of mind. The treaty then negotiated with them at Tellico[2] contained this:

"The citizens of the United States shall have the free and unmolested use and enjoyment of the two following described roads, in

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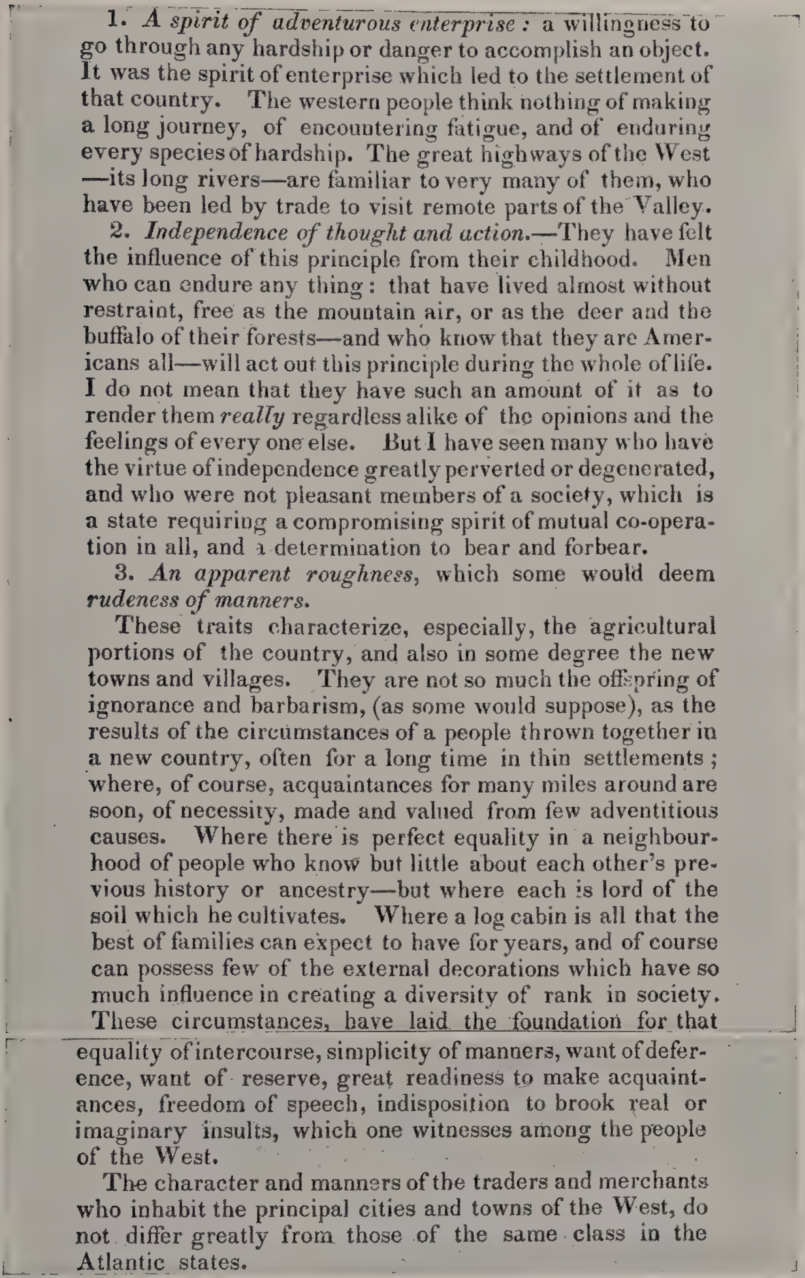
[1] Thus leaving with the Cherokees and Creeks a right to determine when, if ever, the extinguishment in question might take place.

[2] October 25, 1805. Article IV.



1. *A spirit of adventurous enterprise:* a willingness to go through any hardship or danger to accomplish an object. It was the spirit of enterprise which led to the settlement of that country. The western people think nothing of making a long journey, of encountering fatigue, and of enduring every species of hardship. The great highways of the West—its long rivers—are familiar to very many of them, who have been led by trade to visit remote parts of the Valley.

2. *Independence of thought and action.*—They have felt the influence of this principle from their childhood. Men who can endure any thing: that have lived almost without restraint, free as the mountain air, or as the deer and the buffalo of their forests—and who know that they are Americans all—will act out this principle during the whole of life. I do not mean that they have such an amount of it as to render them *really* regardless alike of the opinions and the feelings of every one else. But I have seen many who have the virtue of independence greatly perverted or degenerated, and who were not pleasant members of a society, which is a state requiring a compromising spirit of mutual co-operation in all, and a determination to bear and forbear.

3. *An apparent roughness*, which some would deem *rudeness of manners.*

These traits characterize, especially, the agricultural portions of the country, and also in some degree the new towns and villages. They are not so much the offspring of ignorance and barbarism, (as some would suppose), as the results of the circumstances of a people thrown together in a new country, often for a long time in thin settlements; where, of course, acquaintances for many miles around are soon, of necessity, made and valued from few adventitious causes. Where there is perfect equality in a neighbourhood of people who know but little about each other's previous history or ancestry—but where each is lord of the soil which he cultivates. Where a log cabin is all that the best of families can expect to have for years, and of course can possess few of the external decorations which have so much influence in creating a diversity of rank in society. These circumstances, have laid the foundation for that equality of intercourse, simplicity of manners, want of deference, want of reserve, great readiness to make acquaintances, freedom of speech, indisposition to brook real or imaginary insults, which one witnesses among the people of the West.

The character and manners of the traders and merchants who inhabit the principal cities and towns of the West, do not differ greatly from those of the same class in the Atlantic states.

148.—Character and manners of the settlers of the interior. From Baird's "View of the Valley of the Mississippi, or the Emigrants' and Travellers' Guide to the West"; published in 1834: pp. 102-103.

addition to those which are at present established through their country, one to proceed from some convenient place near the head of Stone's River, and fall into the Georgia road at a suitable place toward the southern frontier of the Cherokees. The other to proceed from the neighborhood of Franklin, on Big Harpath, and crossing the Tennessee at or near the Muscle Shoals, to pursue the nearest and best way to the settlements on the Tombigbee."

The Cherokees, at almost the same time,[1] granted permission for the conveyance of the mails through their territory. The treaty language ran:

> "And whereas the mail of the United States is ordered to be carried from Knoxville to New Orleans through the Cherokee, Creek and Choctaw countries; the Cherokees agree that the citizens of the United States shall have, so far as it goes through their country, the free and unmolested use of a road leading from Tellico to Tombigbee."

Creeks and Choctaws were equally accommodating in the matter, and the mails went through. Still later in the same year the Creeks donated a horse path to the white people. Their consent read:[2]

> "It is hereby stipulated and agreed, on the part of the Creek nation, that the Government of the United States shall forever hereafter have a right to a horse path through the Creek country, from the Ocmulgee to the Mobile, in such direction as shall, by the President of the United States, be considered most convenient, and to clear out the same, and lay logs over the creeks; and the citizens of the United States shall, at all times, have a right to pass peaceably on said path, under such regulations and restrictions as the government of the United States shall, from time to time, direct; and the Creek chiefs will have boats kept at the several rivers for the conveyance of men and horses; and houses of entertainment established at suitable places on said path for the accommodation of travellers. . . ."[3]

The Choctaws, also in 1805, permitted the establishment of inns for travellers on some of the roads through their territory whose use was given to white men, and later confirmed their concession in treaty language as follows:[1]

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[1] By Article II of the treaty of October 27, 1805. Louisiana had been bought from the French and it was necessary to have communication between it and our northern possessions.

[2] Article II of the Treaty of Washington; November 14, 1805. The Creeks also, in the same treaty, gave permission to the whites to navigate the Ocmulgee River.

[3] A treaty of 1802, held to name the limits between "the United States of America and the Creek Nation of Indians," was defined as having been agreed to by "Commissioners Plenipotentiary of the United States, on the one part, and the Kings, Chiefs, head men and warriors of the Creek Nation."

> "The lease granted for establishments on the roads leading through the Choctaw country is hereby confirmed in all its conditions."

These taverns built in Indian countries along roads whereon whites were allowed to travel by international agreement were always kept by business men among the natives themselves, except in occasional cases wherein the red men did not desire such proprietorship. The ferries, also, were exclusively owned and operated by the Indians of nations in which they existed, and stipulations to that effect were put into the treaties. Both inns and ferries were operated as elsewhere, and the charges for their service corresponded to similar rates throughout the country. The food at Indian taverns was usually excellent and bountiful.

During Jefferson's presidency, from 1801 to 1809, the southern red nations progressed noticeably in their effort to build up a society based on the best principles employed by the white race, and Jefferson actively encouraged them in so doing. In a communication to the Cherokees[2] he said, "I sincerely wish you may succeed in your laudable endeavors to save the remnant of your nation by adopting industrious occupations, and a government of regular law. In this you may always rely on the counsel and assistance of the United States." He recognized them, as his predecessors and the government had uniformly done for twenty years, as independent neighboring nations. He continued to hold treaties with them, conducted extradition proceedings with them under the law of 1802, and referred to them in his public papers as foreign peoples. Extracts from his annual message to Congress in 1808, near the end of his last term, will illustrate the United States' attitude on these points as expressed by its Executive. In that document President Jefferson said:

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[1] Treaty of November 16, 1805. Article VI.

[2] January 9, 1809.

> "With our Indian neighbors the public peace has been steadily maintained. . . .
>
> "Beyond the Mississippi the Ioways, the Sacs and the Alabamas have delivered up for trial and punishment individuals from among themselves accused of murdering citizens of the United States. On this side of the Mississippi the Creeks are exerting themselves to arrest offenders of the same kind. . . .
>
> "Husbandry and household manufacture are advancing among them more rapidly with the southern than northern tribes, from circumstances of soil and climate,[1] and one of the two great divisions of the Cherokee Nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government in such progressive manner as we shall think best. . . ."

Nevertheless he did not neglect opportunity to acquire more territory from the Indians when favorable occasion presented itself. One of his messages on the subject of buying lands from them also indicates that the southern natives were in some degree being subjected to the same commercial processes which afterward wrought the undoing of the Potawatomi and many other of the northern tribes. The message[2] states that:

> ". . . The Choctaws, being indebted to certain mercantile characters beyond what could be discharged by the ordinary proceeds of their huntings, and pressed for payment by those creditors, proposed at length to the United States to cede lands to the amount of their debts, and designated them in two different portions of their country. These designations not at all suiting us, their proposals were declined. . . . Still urged by their creditors, as well as by their own desire to be liberated from debt, they at length proposed to make a cession which should be to our convenience. . . . The cession is supposed to contain about 5,000,000 acres, of which the greater part is said to be fit for cultivation, and no inconsiderable proportion of the first qual-

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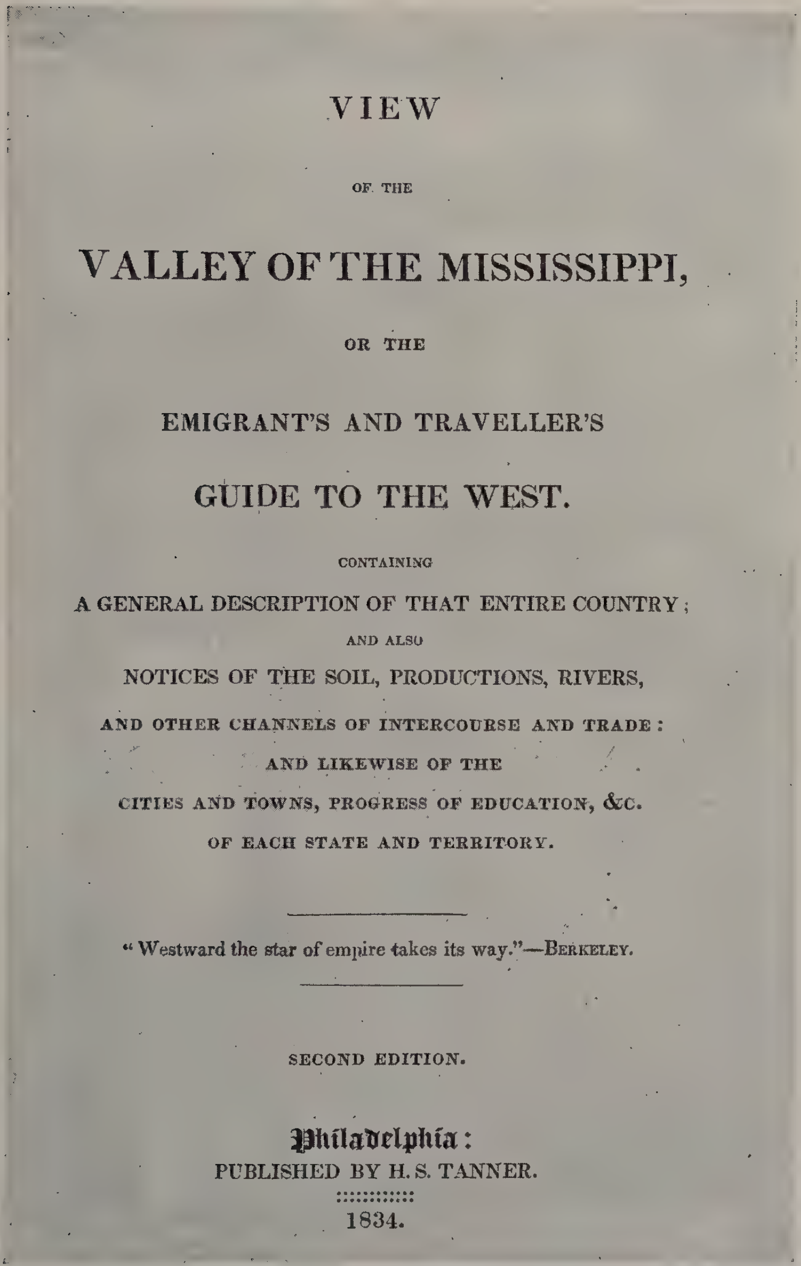
[1] And also, as has been pointed out, because the southern nations were in a better position to prevent intimate and constant intercourse with large numbers of whites.

[2] To the Senate, on January 15, 1808.



VIEW

OF THE

VALLEY OF THE MISSISSIPPI,

OR THE

EMIGRANT'S AND TRAVELLER'S

GUIDE TO THE WEST.

CONTAINING

A GENERAL DESCRIPTION OF THAT ENTIRE COUNTRY;

AND ALSO

NOTICES OF THE SOIL, PRODUCTIONS, RIVERS,

AND OTHER CHANNELS OF INTERCOURSE AND TRADE:

AND LIKEWISE OF THE

CITIES AND TOWNS, PROGRESS OF EDUCATION, &C.

OF EACH STATE AND TERRITORY.

"Westward the star of empire takes its way."—BERKELEY.

SECOND EDITION.

Philadelphia:
PUBLISHED BY H. S. TANNER.
:::::::::::
1834.

149.—Title page of the volume in which is contained the text shown in the preceding. An example of the guide books published to acquaint the eastern people with conditions in the Mississippi valley after Black Hawk's War.

ity . . . and the Choctaws and the creditors are still anxious for the sale. I therefore now transmit the treaty. . . ."

The United States' attitude during Jefferson's administration, and the President's utterances concerning the social and industrial development of the Indians had a deep effect on the large southern nations. Coming as it did after a considerable interval almost equally favorable to their aspirations, it led them to believe that the end of their long troubles had been reached and passed. With the systematic and officially expressed encouragement of the white republic they had definitely abandoned their old order of life, had settled down permanently on rich possessions and were turning as rapidly as possible toward practical agriculture and the domestic arts and crafts in keeping with their neighbors.[1] They still continued their hunting in regions where some game was left, but each year showed more acres under cultivation, more manufacturing, more houses built, more live stock in the pastures and a better ordering of their internal affairs. Indeed, so rapidly were the southern natives advancing in civilization and settled habits in accordance with declared governmental desire of the United States that — as Jefferson stated in his annual message of 1808 — some of the Cherokees were already considering the question of abandoning their national identity provided they might merge themselves in the United States as citizens.

Several more years elapsed, unmarked by events of consequence save the steady development of the Indians. Then, in 1813, the states of Tennessee and Georgia felt pressing need for a thoroughfare over which travel and commerce might be carried on between them. There was nothing to do but appeal to the Cherokees as usual, for that nation lay between the two commonwealths and commanded the situation. So the states appointed commissioners who met the red men by consent of the Federal government,[1] and an agreement was concluded[2] under whose terms the necessary road was brought into existence. But this time the Cherokees demonstrated their advancement by proposing a legally organized company in which they should have equal representation with the whites, with national emoluments for the concession, and so the agreement was perforce made that way. The official document is in other respects an unusual one. It declared:

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[1] The law of 1802 had also said (section XIII): "That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall think proper . . . "

> "We, the undersigned, Chiefs and Councillors of the Cherokees, in full Council assembled, do hereby give, grant and make over unto Nicholas Byers and David Russell, who are agents in behalf of the states of Tennessee and Georgia, full power and authority to establish a turnpike company to be composed of them, the said Nicholas and David, Arthur Henly, John Lowry and one other person by them to be hereafter named in behalf of the state of Georgia; and the above named persons are authorized to nominate five proper and fit persons, natives of the Cherokees, who, together with the white men aforesaid, are to constitute the company, which said company, when thus established, are hereby fully authorized by us to lay out and open a road from the most suitable point on the Tennessee River, to be directed the nearest and best way to . . . the Tugolo River, which said road . . . shall continue and remain a free and public highway, unmolested by us . . . . for the full term of twenty years yet to come after the road may be open and complete; after which time said road, with all its advantages, shall be surrendered up, and reverted in, the Cherokee Nation. . . . And the said Turnpike company do hereby agree to pay the sum of $160 yearly to the Cherokee Nation."

Thus was presented the spectacle of an independent Indian nation becoming part owners of an important link in the internal travel system of the country and receiving money for permitting United States citizens to go back and forth between Georgia and Tennessee. Furthermore, if future events had not happened as they did the Cherokees would have become entire owners of the thoroughfare. This turnpike was the famous Unicoy Road, one of the chief routes through the South for a long time.

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[1] Under the terms of the law of 1802.

[2] The grant of Highwassee Garrison, March 8, 1813.

No pretentions were made by Georgia, at this period, that her state boundaries included the possessions of either the Cherokee or Creek nations, or that her jurisdiction extended over the Cherokee or Creek nations; or that she could deal with them other than through the United States according to the provisions of the law of 1802. As recently as 1811[1] she had, in fact, taken legislative action which disclosed her attitude on those points and contained her acknowledgment of established boundary lines between her sovereignty and that of the two red peoples. The 1811 resolution of Georgia's legislature read:

> "Whereas disputes have frequently arisen between the frontier inhabitants of Jackson and Franklin counties and the Cherokee nation of Indians, which might in a great measure be prevented by having the Chatahuchee River made the line between this state and the said Cherokee nation of Indians, and there being good reason to believe that the said Indians on proper application being made would dispose of said lands.
>
> "Be it therefore resolved, That his excellency the governor be, and he is hereby authorized and requested, to appoint not exceeding three persons as commissioners on the part of this state, to make application to the Cherokee nation of Indians through the agency of the United States, for the purpose of obtaining the consent of said Indians to a disposition of the land lying within the following boundary, viz.: beginning where the line between this state and the Creek nation of Indians leaves the Appalachee River; thence on the said line to where the same crosses the Chatahuchee River [here follows a further description of the boundaries of the country desired] or so much thereof as the said nation of Indians may be disposed to part with." [2]

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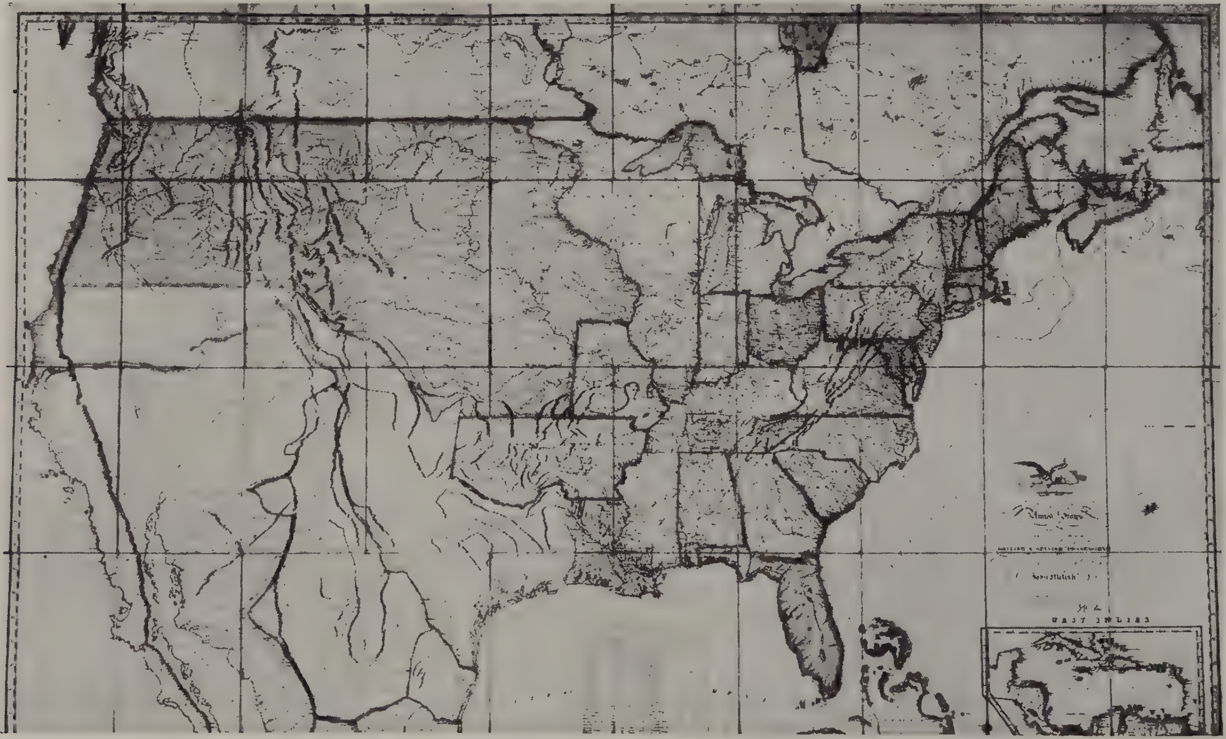
[1] In the resolution of the state legislature approved November 30, 1811.

[2] Reference to a proper map will disclose the significance of this statement by Georgia. The Chatahuchee River runs entirely across the state in a southwestern direction, and Georgia's largest hope at the time in question was to have that stream substituted as the boundary line in place of the one then existing. A vertical tier of five counties, either in whole, or in part, lies directly north of the then frontier counties of Jackson and Franklin; and that part of the Cherokee sovereignty lying north of the Chatahuchee River in 1811 was, in 1838, represented by 14 Georgia counties and parts of three others.



150.—Melish's fifty-sheet folio map of the United States in 1820. (Lower tier of sheets omitted for convenience in reproduction.) Showing extent to which the English speaking white race had advanced toward the West during two centuries. The furthest permanent white settlements were in Missouri. Indians still owned 115,000 square miles in Ohio, Michigan, Indiana, Illinois, Wisconsin, Georgia, Alabama, Tennessee, Mississippi and Missouri, and nearly all land west of the Mississippi. The white region on the map, northward to Oregon, belonged to Mexico.

The friendly attitude thus shown by Georgia still existed in 1814, when the state legislature passed a resolution[1] stating that many citizens of the state "have gone and frequently are going over and settling and cultivating" the Indian lands, by which action "considerable feuds are engendered between us and our friendly neighboring Indians." The Governor was requested to bring about the removal of such intruders and take proper steps "to prevent future aggressions."

With the close of the second war between the United States and Great Britain[2] the immigration from Europe became decidedly larger, and it was found necessary to place foreigners on the footing occupied by American citizens concerning restrictions of travel in native territories.[3] Accordingly, in 1816, Congress passed a law[4] supplementary to existing legislation and providing that no foreign subject without a passport might "go into any country which is allotted to or secured by treaty" to the Indians, on pain of fine not exceeding one thousand dollars or a year's imprisonment.

During the same year the Cherokees granted to the whites the most extensive travel privileges they had yet conceded. This action was indirectly due to the rapid filling up of Georgia, Alabama and Mississippi then in progress, and the Federal administration, under spur from the South, made an especially urgent and successful plea to the natives. The red ambassadors were brought to Washington for the negotiations, where they were treated with dignity and attention both by the official and private life of the capital. Article II of the compact contained the valuable concession desired and was thus phrased:

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[1] Approved November 19, 1814.

[2] During this war the United States, as was customary when she was in danger, sought and obtained the aid of Indians as allies. In 1814 the instructions of the War Department to General Jackson referred to the southern Indians as follows: "The friendly Indians must be fed and paid, and made to fight when and where their services may be required." Numerous Indians did fight under Jackson.

[3] The law of 1802 already regulated the passport question for United States citizens.

[4] Approved April 29, 1816.

> "It is expressly agreed on the part of the Cherokee Nation that the United States shall have the right to lay off, open and have the free use of such road or roads, through any part of the Cherokee nation lying north of the boundary line now established, as may be deemed necessary for the free intercourse between the states of Tennessee and Georgia and the Mississippi Territory. And the citizens of the United States shall freely navigate, and use as a highway, all the rivers and waters within the Cherokee Nation. The Cherokee Nation further agree to establish and keep up, on the roads to be opened under the sanction of this article, such ferries and public houses as may be necessary for the accommodation of the citizens of the United States."[1]

In 1817 the national government succeeded in obtaining another small part of the Cherokee territory, but the Cherokees and Creeks, in company with the Chickasaws and Choctaws, had no thought of relinquishing all their possessions. The ceding of slices now and then, and the granting of travel permits were actions taken partly because of good will and in part because their holdings were greater than they needed.

Danger lay in these conditions unless the white republic based its future actions on loftier principles than had sometimes animated it in earlier phases of the long race controversy. If the white states of the South changed their attitude; challenged the validity of the position held by the red nations under Federal acknowledgment since the organization of constitutional government; placed their own immediate material profit above all else and looked at the complex situation solely from the white standpoint, then the consequences could not be foreseen.

A blunder had been made in 1814, through a treaty negotiated with the Creek nation. The Creeks in that year ceded a considerable section of their holdings within the present limits of Alabama, and the action tended to move a part of the nation into the eastern section of their territory, at present embraced in Georgia. The United States thereupon guaranteed to them the integrity of their remaining possessions. This pledge was inconsistent with the 1802 compact with Georgia.

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[1] In this same treaty South Carolina was authorized to arrange for buying the Cherokee lands overlapping the boundary of that state, and the United States became a surety to the natives for South Carolina's payment of $5,000 for the cession.

Still another similar promise by which the white republic agreed to the inviolability of a native nation's territory was that given to the Choctaws in 1820.[1] On that occasion the Choctaws ceded part of their country in exchange for a tract west of the Mississippi River, where such of them as wished to maintain the old hunter's life were willing to go. The remaining Choctaw possessions were guaranteed to the nation in Article IV as follows:

> "The boundaries hereby established between the Choctaw Indians and the United States, on this side of the Mississippi River, shall remain without alteration until the period at which said nation shall become so civilized and enlightened as to be made citizens of the United States. . . ."

One of the Commissioners Plenipotentiary of the United States who in this manner indicated that the Choctaws were so advanced in their methods of life that their prospective status as citizens of the Union might with propriety be discussed in a treaty was General Andrew Jackson.[2]

It will thus be seen that the Federal government's policy toward the southern Indian nations was not a consistent one. While some of its manifestations effectively served to establish the natives as permanent and settled communities, and encouraged them in civilized endeavor, other of its acts had an opposite tendency. There was discord of purpose in urging and inducing the red men to adopt husbandry, manufacturing, permanent homes and self-government while at the same time gradually buying or trying to buy the regions thus transformed and improved by the natives. The only features wherein the white policy had remained unaltered for the twenty-nine years between 1789 and 1818 were in the recognition of sovereignty accorded to the large nations of the South, and in the acquirement of travel routes and territory from them. The first hints of a possible change in the attitude of the government appeared during the administration of Monroe, and can be discerned in certain of his public papers. They also seem to indicate, in some particulars, either a considerable misapprehension of existing conditions or the symptoms of a governmental purpose to foster, in the public mind, a misconception of those conditions.

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[1] By the treaty of October 18.

[2] General Jackson had already acted in a similar capacity during treaty negotiations with the Cherokees in 1816 and 1817.

President Monroe's annual message of 1817 did not suggest the new Caucasian position soon to be assumed. It is, however, valuable because of its revelation of the widespread extent to which the whites were still dependent on the consent of the red men for opportunity to connect their scattered settlements and move between them. A part of it reads:

> ". . . By these purchases the Indian title, with moderate reservations, has been extinguished as to the whole of the land within the limits of the State of Ohio, and to a part of that in the Michigan Territory and of the State of Indiana. From the Cherokee tribe a tract has been purchased in the State of Georgia and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the land belonging to that tribe eastward of that river in the States of North Carolina, Georgia and Tennessee, and in the Alabama Territory, will soon be acquired.[1]
>
> "By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the State of Ohio along Lake Erie into the Michigan Territory, and to connect our settlements by degrees through the State

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[1] A mistaken opinion. A few Cherokees removed to the West in 1817, and another group followed in 1819.

> of Indiana and the Illinois Territory to that of Missouri. A similar and equally advantageous effect will soon be produced in the South through the whole extent of the states and territory which border on the waters emptying into the Mississippi and Mobile. . . .
>
> ". . . The difficulties attending early emigrations[1] will be dissipated even in the most remote parts."

Three further references to the subject by President Monroe, together covering a period of more than two years, are filled with significant statements and evidences of the misapprehension or new attitude alluded to. The first of these, contained in his annual message of 1818, declares:

> "To civilize them, and even to prevent their extinction, it seems to be indispensable that their independence as communities should cease, and that the control of the United States over them should be complete and undisputed. The hunter state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land and to other pursuits tending to dissolve the ties which connect them together as a savage community. . . ."

Aside from a recognition that the red nations still possessed independence, this summary of conditions and suggestion of future policy — particularly with relation to the southern natives — was unfortunately erroneous and even conflicted with similar public announcements by previous Presidents, such as that by Jefferson ten years before. The very Indian nations whose independence had been most frequently and elaborately recognized—those of the South—were the ones most flourishing and furthest advanced in civilization. In those nations the hunter state was already abandoned as a matter of definite future policy, and played a small and constantly decreasing part in the life of the population. Recourse to the culture of land and other pursuits had already taken place, though the Indians were much less concerned in the acquisition of more land than in the effort to keep what they already had. There were no indissoluble ties which connected the southern red nations together as savage communities, but many ties that bound them into rapidly advancing peoples. Among these the practises of husbandry, manufacturing and commerce were the most notable.

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[1] By this the President meant the travels of citizens throughout the country.

It was no longer possible accurately to discuss the Indian population of the whole continental extent under broad generalizations such as are here used by Monroe. Conditions among the natives were almost as diverse as among the whites. The Cherokees, Choctaws and Chickasaws were increasing in numbers and growing in wealth and civilization. They had successfully adopted a new culture. Many other tribes and nations, on the other hand, were unsuccessfully trying to accomplish the same result against odds that made their endeavor impossible, and still others were swiftly deteriorating in all the respects here named.

The statement of Monroe, above quoted, is the first official intimation of a coming change in the government's attitude toward the red peoples.

CHAPTER XXVI

FURTHER MISTAKES OF MONROE — FIRST OFFICIAL SUGGESTION THAT NATIONAL INDEPENDENCE OF INDIAN PEOPLES IS NOT DESIRED BY THE UNITED STATES — THE CAUCASIAN REPUBLIC STANDS AT THE RUBICON OF POLICY — REFUSAL OF THE CHEROKEES TO SELL MORE LAND AND PROCLAMATION OF THEIR FUTURE PROGRAM — CALHOUN'S ADMISSION — M'KENNEY'S REPORT ON CHEROKEE CIVILIZATION — FURTHER CONTEMPORARY TESTIMONY — J. Q. ADAMS PUTS A STOP TO PREVIOUS METHODS OF TREATY MAKING — GEORGIA INVADES INDIAN SOVEREIGNTY — ADAMS' ACTION IN REPLY — GEORGIA THREATENS TO SEIZE NATIVE TERRITORIES BY VIOLENCE — ADAMS ADMITS THE MORASS OF DIFFICULTY IN WHICH THE COUNTRY IS ENMIRED

THE second of Monroe's three statements heretofore alluded to was one contained in the President's message of November 14, 1820. It ran: "... Left to themselves their extirpation is inevitable. By a judicious regulation of our trade with them we supply their wants, administer to their comforts, and gradually, as the game retires, draw them to us."

The archives of the government contained a mass of reports, treaties and other evidences testifying to the contrary.[1] When left to themselves or when in association with non-parasitical whites, the natives did well. It was when they were not left to themselves, but compelled against their desire closely and constantly to mingle with the unscrupulous white population which hovered about them like vultures, that they failed to do well. So excellently did they progress when able to protect themselves from excessive spoliation that President Monroe's Commissioner Plenipotentiary, General Andrew Jackson, had anticipated United States citizenship for an entire red nation only twenty-seven days before the President made the foregoing statement.[1] The nature and deplorable results of the trade permitted with the natives have been discussed. It did not administer to their comforts but added to their troubles. Judicious regulation of that trade was not a distinguishing characteristic of the government's attitude. Instead of being drawn closer to the whites as the game retired, the natives were as a rule despoiled to whatever extent was possible and thrust further away. The most notable exceptions to this rule, at the time, were to be found in the nations of the South, which still insisted on maintaining their independence unless their inhabitants were made citizens of the United States.

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[1] The most recent of which was an elaborate review of the conditions of Indian society made by Jedediah Morse under commission by the President dated February 7, 1820. Extracts from Morse's statements respecting native civilization of the period are contained in an Appendix.

The third of the three statements by Monroe indicating a changing attitude on the part of the government was made in his second inaugural address, on March 5, 1821. It contained the first unequivocal declaration that national independence of Indian peoples was not desired by the United States. The utterance was:

> "The care of the Indian tribes within our limits has long been an essential part of our system, but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations, without their having any substantial pretentions to that rank. The distinction has flattered their

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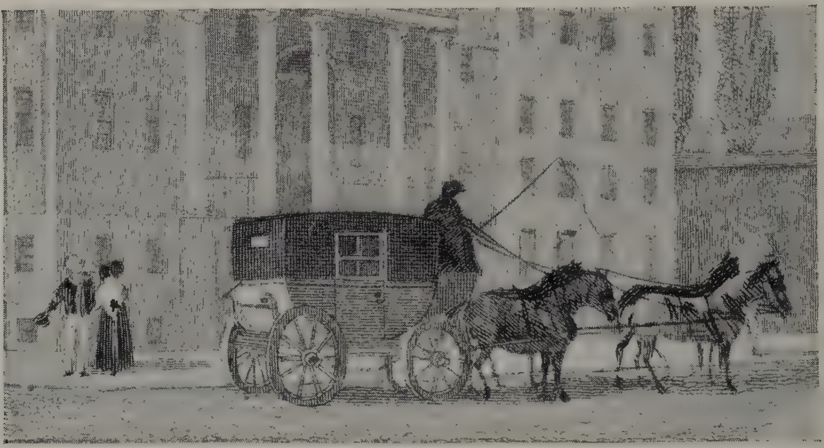
[1] The Choctaws. The treaty with them negotiated by Jackson was dated, as has been said, on October 18, 1820, and Monroe's message was dated November 14.

pride, retarded their improvement, and in many cases paved the way to their destruction. Their sovereignty over vast territories should cease."

The President did not state what were the objects intended to be accomplished by our dealings and relations with the natives. If those objects were, as often declared in words,[1] a genuine and unselfish desire to aid the red population in attaining civilization and a manner of life similar to that of the Caucasians, then those purposes had thus far only failed when the government, by its discordant or lax methods, had neglected to protect the Indians from its own citizens and had indirectly interrupted their upward progress by buying their lands. Plentiful evidences existed that in



151.—Development of the stage-coach from the Flying Machine and Stage Wagon. A New England coach of 1815-1820. Heaviest of all American vehicles of the sort, and built with especial thought for the comfort of passengers in cold weather. This and the twenty-seven illustrations to No. 178, inclusive, concern the evolution of the stage-coach and incidents of its use, between New England and the Mississippi River, from 1815 to about 1850.

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[1] As recently as March 3, 1819, President Monroe had approved an act of Congress authorizing the President to send among the Indians instructors in agriculture and the ordinary branches of education, as a means of "providing against the further decline" of the natives and of "introducing among them the habits and arts of civilization."

cases wherein those impediments to development did not unduly occur the native population responded to the impulse in question, no matter from what quarter it came. Consequently it was only necessary to eliminate those retarding conditions in order to achieve success, provided that was really the national object, left unexplained by President Monroe. The situation as then visible in the South—where the most conspicuous examples of the national white policy were existent—did not warrant a statement that the plan of treating the red peoples as independent nations had retarded their improvement or paved the way to their destruction. So if their impending destruction was in truth visible then its cause must also have been visible, and must have been discovered in some factor of the problem not inherent in the new red civilization itself.

But if the principal and underlying purpose of the Republic had been, and still was, the easy capture of the territorial possessions of the Indians, then it was true, as Monroe said, that the government's system had not been carried out in a manner to accomplish all the objects intended by it. The remaining important red nations were visibly entering into the realm of civic pride and a social state similar to that of the whites, and had announced a determination to sell no more land. Hence if the acquisition of their countries was the main object of the white nation, that desire had apparently been thwarted through a concrete realization by the Indians of the condition toward which they had been thoughtlessly encouraged. Such a theory would perhaps explain the altered position which the United States was obviously taking and whose symptoms first became visible during the Monroe presidency. Flattery, cajolery, small monetary payments and large promises no longer wrought their magic as of old. The red men of the South were becoming nations of settled farmers, merchants, inn-keepers and small manufacturers, with schools, councils, legislatures, laws and judges of their own, and had their eyes on Federal citizenship. The Caucasian republic stood at last beside a Rubicon of policy. It had either to prove the sincerity of its former protestations by endorsing the native progress and unselfishly perpetuating it, even at worldly expense and inconvenience to itself for a time, or else adopt some other course of action that would disclose another purpose.

It was at such a time that President Monroe said: "Their sovereignty over vast territories should cease." The inhabitants of the southern states had become restive as they gazed toward the rich countries of Cherokee, Creek, Chickasaw and Choctaw, and two years before, in 1819, Georgia had begun a series of protests addressed to the Union in relation to the still unfulfilled obligation incurred by the United States in the agreement of 1802. From that time on events moved steadily toward the final catastrophe.

Early in 1824[1] Monroe, being under a constantly increasing pressure from the South and especially from Georgia,[2] sent an urgent message to the Cherokee nation begging its people to sell their country and remove west of the Mississippi. The nation refused. Its answer contained these passages:

> ". . . We assert under the fullest authority that all the sentiments expressed in relation to the disposition and determination of the nation never to cede another foot of land are positively the product and voice of the nation. . . . They have unequivocally determined

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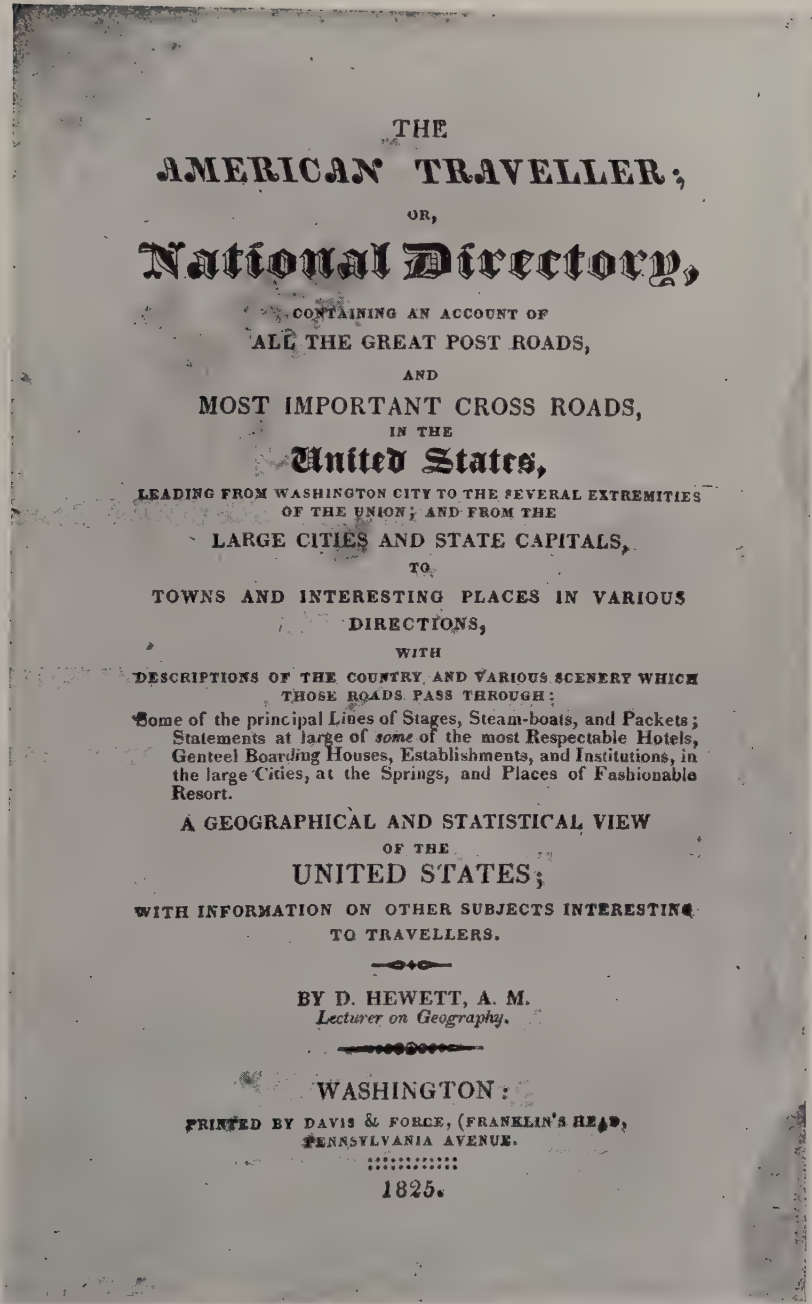
[1] January 30th.

[2] Which state was now insistently calling for an extinguishment of Cherokee and Creek titles.



THE
AMERICAN TRAVELLER;
OR,
National Directory,
CONTAINING AN ACCOUNT OF
ALL THE GREAT POST ROADS,
AND
MOST IMPORTANT CROSS ROADS,
IN THE
United States,
LEADING FROM WASHINGTON CITY TO THE SEVERAL EXTREMITIES
OF THE UNION; AND FROM THE
LARGE CITIES AND STATE CAPITALS,
TO
TOWNS AND INTERESTING PLACES IN VARIOUS
DIRECTIONS,
WITH
DESCRIPTIONS OF THE COUNTRY AND VARIOUS SCENERY WHICH
THOSE ROADS PASS THROUGH:
Some of the principal Lines of Stages, Steam-boats, and Packets;
Statements at large of *some* of the most Respectable Hotels,
Genteel Boarding Houses, Establishments, and Institutions, in
the large Cities, at the Springs, and Places of Fashionable
Resort.
A GEOGRAPHICAL AND STATISTICAL VIEW
OF THE
UNITED STATES;
WITH INFORMATION ON OTHER SUBJECTS INTERESTING
TO TRAVELLERS.

BY D. HEWETT, A. M.
Lecturer on Geography.

WASHINGTON:
PRINTED BY DAVIS & FORCE, (FRANKLIN'S HEAD,
PENNSYLVANIA AVENUE.
1825.

152.—Early literature relating to travel in America. Title page of Hewett's Directory of Post Roads. First guide book of national scope issued for the benefit of stage-coach travellers, and first comprehensive printed list of United States roads.

never again to pursue the chase as heretofore, or to engage in wars, unless by the common call of the government to defend the common rights of the United States. . . .

"The Cherokees have turned their attention to the pursuits of the civilized man; agriculture, manufactures, and the mechanic arts and education are all in successful operation in the nation at this time; and while the Cherokees are peacefully endeavoring to enjoy the blessings of civilization and Christianity on the soil of their rightful inheritance, and while the exertions and labors of various religious societies of these United States are successfully engaged in promulgating to them the words of truth and life from the sacred volume of Holy Writ, and under the patronage of the general government, they are threatened with removal or extinction. . . .

"We appeal to the magnanimity of the American Congress for justice, and the protection of the rights and liberties of the Cherokee people. We claim it from the United States by the strongest obligation which imposes it on them—by treaties; and we expect it from them under that memorable declaration 'that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.' "

The President, in a special message to Congress[1] informed that body of the result of his appeal, saying:

". . . By this it is manifest that at the present time and in their present temper they can be removed only by force. . . .

"I have no hesitation, however, to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact that their title should be extinguished at the expense of the United States when it may be done peaceably and on reasonable conditions is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents."

Monroe nevertheless continued his diplomatic attempts to clear the southern country east of the Mississippi of the native races there established, and later in 1824 he called on John C. Calhoun, his then Secretary of War, for a report describing the condition of those peoples. In answer to this request Secretary Calhoun said to the President:[2]

". . . Almost all of the tribes proposed to be affected by the

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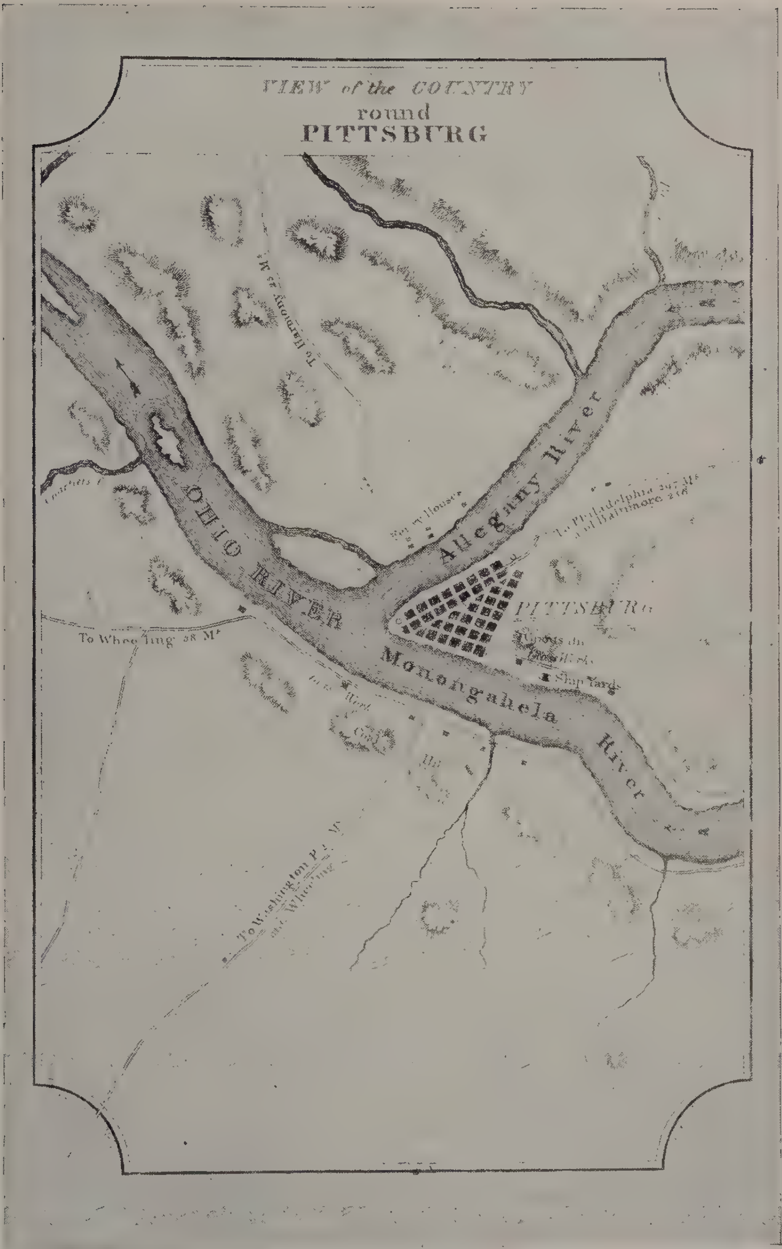
[1] On March 30, 1824.

[2] In his report dated January 24, 1825.



153.—Map of overland highways leading to Pittsburgh in 1812. The town could then be reached by one wagon road from the north, four from the east, two from the south and one from the west.

> arrangement are more or less advanced in the arts of civilized life. . . . One of the greatest evils to which they are subject is that incessant pressure of our population, which forces them from seat to seat, without allowing time for that moral and intellectual improvement for which they appear to be naturally eminently susceptible."

There fortunately exists a contemporary record whereon dependence may be placed that carefully describes the most extreme extent to which civilization had progressed among the southern Indian nations at the precise period under consideration. Happily, also, it deals with the Cherokees, whose affairs had already begun to attract so large a measure of attention throughout the country. The description referred to is a report made by Commissioner of Indian Affairs Thomas L. McKenney to Secretary of War Barbour[1] under date of December 13, 1825, and reads:

> "The Cherokees on this side the Mississippi are in advance of all other tribes. They may be considered as a civilized people. . . . It is truth we are in quest of, and facts are the best instruments for its development. Theory, and all previously conceived opinions which are adverse to Indian capacity and Indian improvement must give way to the stubborn demonstrations of such facts as David Brown discloses, even if there were no others; but there are many such."

The David Brown mentioned by McKenney was a citizen of the Cherokee nation who had recently published an article[2] descriptive of his country and its progress. McKenney, being able of his own knowledge[3] to endorse Brown's account as one of fact, which he did in connection with the comment that there were many other similar facts not recorded by Brown, felt that he could in no better way reveal Cherokee conditions than by using a red man's own statement concerning those conditions.

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[1] At the order of the Secretary of War on October 3, 1825, calling for information on the effects "of the present system for civilizing the Indians."

[2] In the "Family Visitor" of Richmond, Va., on September 2, 1825.

[3] McKenney's studies of Indians extended over many years and were made at first hand among numerous tribes. He lived among them in their own manner. His works on the subject are well known.

This he accordingly did, incorporating into and making a part of his own report the following paragraphs by Brown:

". . . These plains furnish immense pasturage, and numberless herds of cattle are dispersed over them; horses are plenty, numerous flocks of sheep, goats and swine cover the valleys and the hills. On Tennessee, Ustanula and Canasagi rivers Cherokee commerce floats. The climate is delicious and healthy; the winters are mild; the spring clothes the ground with the richest scenery, flowers of exquisite beauty and variegated hues meet and fascinate the eye in every direction. In the plains and valleys the soil is generally rich, producing Indian corn, cotton, tobacco, wheat, oats, indigo, and sweet and Irish potatoes.

"The natives carry on considerable trade with the adjoining states; some of them export cotton in boats down the Tennessee to the Mississippi, and down that river to New Orleans. Apple and peach orchards are quite common, and gardens are cultivated, and much attention paid to them. Butter and cheese are seen on Cherokee tables. There are many public roads in the nation,[1] and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woolen cloths are manufactured; blankets of various dimensions, manufactured by Cherokee hands, are very common. Almost every family in the nation grows cotton for its own consumption.

"Industry and commercial enterprise are extending themselves in every part. Nearly all the merchants in the nation are native Cherokees. Agricultural pursuits engage the chief attention of the people. Different branches in mechanics are pursued. . . .

"White men in the nation enjoy all the immunities and privileges of the Cherokee people, except that they are not eligible to public offices. . . . The Christian religion is the religion of the nation. . . . The whole nation is penetrated with gratitude for the aid it has received from the United States Government. . . . Schools are increasing every year; learning is encouraged and rewarded; the young acquire the English, and those of mature age the Cherokee system of learning. . . . We are out of debt, and our public revenue is in a flourishing condition. Besides the amount arising from imports, perpetual annuity is due from the United States in consideration of lands ceded in former periods.

"Our system of Government, founded on republican principles by which justice is equally distributed, secures the respect of the people. New Town, pleasantly situated in the center of the Nation, . . . is the seat of government. The legislative power is vested in a national committee and council. . . . In New Town a printing press is soon to be established; also a national library and museum."

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[1] Of their own as well as those on which whites were permitted to travel.

The printing establishment mentioned by McKenney was soon afterward set up. It was the property of the nation, and the work in connection with its operation was done in part by native editors, writers, translators, typesetters, printers, bookbinders and other craftsmen. From it issued hymn books, gospels and various other volumes in the native language, and a newspaper in both the Cherokee language and in English.[1] The Cherokee tongue had been reduced to a written and printed alphabet, also by a member of the nation,[2] as early as 1820, and the national Cherokee legislature had in 1823 conferred on him a medal for eminent public services. The affairs of the nation were carried on under a constitution shaped somewhat after that of the United States. Officials held office by popular election. A moderate system of taxation was in operation and the public funds were carefully administered. Crime was practically non-existent.

These demonstrations of native advancement, together with the conditions catalogued by McKenney, had appeared during the period of thirty-nine years following the adoption of constitutional government by the United States. The social and economic development shown in that interval by the Cherokees compared favorably with the progress accomplished by the earliest English settlers in New England during an even longer time. The first white colonists landed in Massachusetts in 1620, and seventy-two years later the communities they founded pos-

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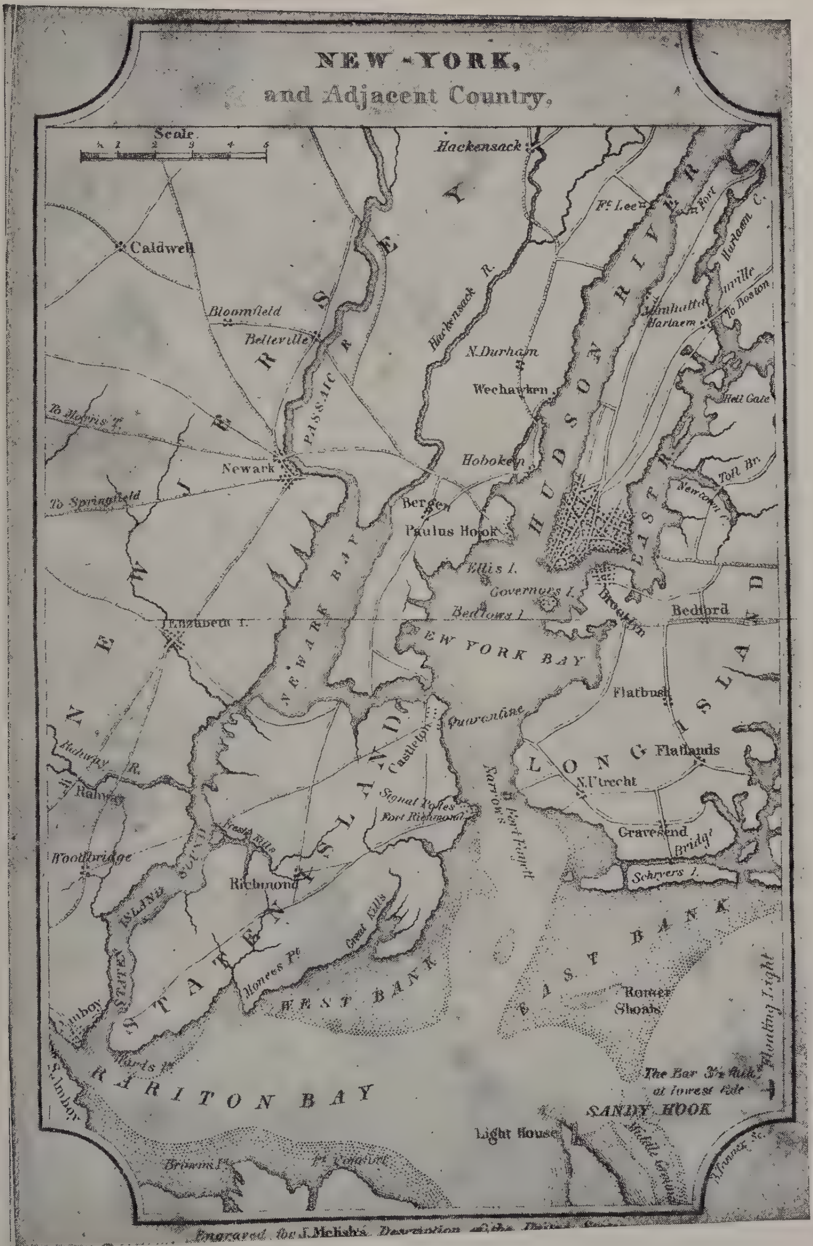
[1] It was a four-page weekly paper called the "Cherokee Phoenix," and was first published on February 21, 1828, continuing to appear at the Cherokee capital until May of 1834. Each issue contained several columns in each of the two languages. Partial files of this, the first Indian newspaper, are contained in the collections of the British Museum, the New York City Library and the Boston Atheneum. Occasional copies are also owned by Wilberforce Eames, Esq., of New York; by W. J. De Renne, Esq., of Atlanta, and perhaps by a few other collectors. The editor of the "Phoenix" was Elias Boudinot, an Indian, whose parents could not speak English.

The state papers of the Cherokees, and the editorial discussion of Indian affairs contained in the columns of the "Phoenix" from 1828 to 1834 are worthy of comparison with similar United States productions during the same period. An example of the native messages referred to is given in an Appendix.

[2] George Guess, whose native name was Sequoyah.



154.—Map of the travel and transportation facilities in the vicinity of New York City in 1826. The city and bay were touched by seventeen roads. From Melish's map, published in some copies of the second edition of Goodrich's *Northern Traveller:* 1826.

sessed scarcely more than an outward semblance of real self-government. They were still substantially under the rule of a theocracy that was torturing or mutilating the citizens of both sexes and sometimes burning them to death.[1]

The Chickasaw, Choctaw and Creek nations had not displayed all of the exceptional qualities manifested by the Cherokees, but their development had nevertheless been correspondingly rapid. They, likewise, had herds and cultivated acres, some comfortable houses, a little commerce, domestic manufacturing, schools and ambition. The principal matter respecting which they were less swift in advancement was that of altering their machinery of self-government. Their systems, though effective, still clung much more closely to traditional methods and suffrage was more restricted.

Meanwhile President Monroe had advanced a further opinion[2] regarding the question of national attitude toward the Indian problem. It upheld native rights, yet in some features manifested a relapse toward that non-comprehension of the subject revealed in some of his earlier utterances, and also failed of clearness on an important point. He said:

> ". . . Experience has shown that unless the tribes be civilized they can never be incorporated into our system in any form whatever, . . . Their civilization is indispensable to their safety. . . .

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[1] In 1692 trials or executions for witchcraft had been taking place in New England for more than forty years. This comparison is in a certain respect, however, unfair to the white colonists, for they were not favored with a prior example in self-government analogous to that enjoyed by the Cherokees. But it does suggest that the red men possessed inherent qualities of character and mind which enabled them, under favorable conditions and in but little more than a generation radically to alter their method of living in a sane and thoughtful manner for the conscious purpose of race preservation and advancement, whereas the white colonists of Massachusetts and their descendants, at the end of a longer period, were further removed from normal community thought and life—as measured by present standards—than at the beginning of their experiment. The comparison perhaps emphasizes the "moral and intellectual improvement" for which Calhoun said the Indians "appeared to be naturally and eminently susceptible," and which McKenney characterized as "Indian capacity."

[2] In his annual message of December 7, 1824. Monroe's opinion is here reproduced after McKenney's report of 1825 because the message also discusses native civilization, and it was desirable to indicate what that civilization was before presenting Monroe's opinions. The difference between 1824 and 1825, in native advancement, was not enough to make the transposition unfair.

> "Difficulties of the most serious character present themselves to the attainment of this very desirable result on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness would be revolting to humanity and utterly unjustifiable. . . ."

Instead of civilization being a condition indispensable to the safety of the red peoples it was beginning to look as if their civilization, wherever attained, subjected them to a danger no less extreme than any they had previously undergone. The four biggest nations already revealed a state of society presenting more stability, quiet, thrift and wealth than might be shown by many frontier Caucasian communities. Two of them[1] had been discussing the question of American citizenship with the United States for years, and President Monroe had himself negotiated a treaty with one[2] guaranteeing the permanence of its existing possessions until the members of the nation were made citizens. Now, four years afterward, he found himself to be of opinion that difficulties of the most serious character interfered with the attainment of native civilization on the territory where they were then residing, even though that territory was their own. He overlooked the evidences that several of the red peoples had already substantially reached that state of society, and that they could assuredly proceed more easily toward the visible goal[3] in their long established homes than elsewhere, unless prevented by injurious outside influences from so doing. If the civilization of the Indians was really the main desire of the government in its relations with them, then no shifting of them could be of advantage, since that act would only be transferring the process to another and less favorable locality,

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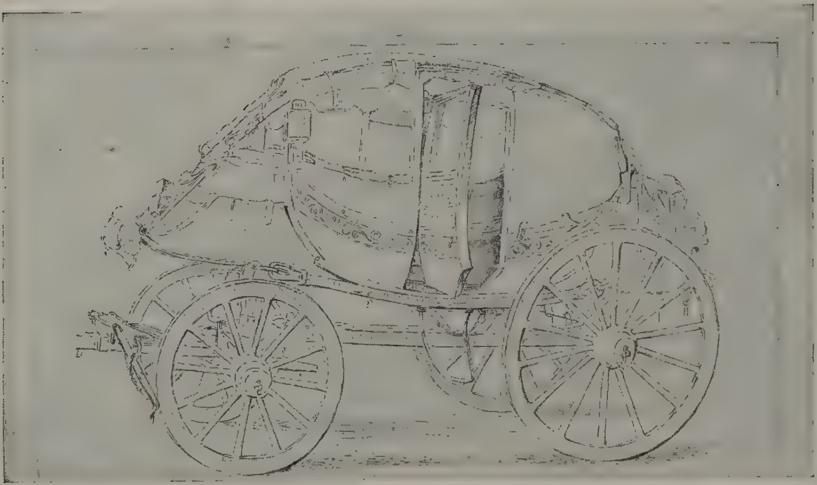
[1] The Cherokees and Choctaws.

[2] The Choctaws.

[3] The degree of development which the United States government was insisting on before awarding citizenship.



155.—Type of stage-coach most widely used throughout the country from 1815 to 1825. Its body, built of wood and sole-leather, was shaped somewhat like a football, and was swung on many thick strips of leather riveted together and called thorough-braces. Capacity, either six or nine passengers inside. Commonly drawn by four horses. From a drawing made by Captain Hall of the British Navy in 1825.

with loss of years and material gain as well as probable loss of native courage. The one decisive element to be dealt with in any honest and unselfish effort for Indian welfare had long since been seen to be the manner and purpose of Caucasian contact with the red people, and that element could not be dodged. Two centuries of experience had afforded ample demonstration of the point. Postponement of a problem does not accomplish its solution. The secret of a successful endeavor to protect and aid the natives lay then, as it had always done, in regulating that part of the white population which sought to prey upon them.

Monroe did not explain the nature of the serious difficulties whose existence he so unequivocally asserted. They did not abide in any quality or methods of the Indians, and soon became visible to all men.

President J. Q. Adams took office on March 4, 1825,[1] and his first encounter with the questions under review had to do with a treaty negotiated by the previous administration[2] with the Creek nation. By its terms the Creeks apparently ceded their territories embraced in the modern area of Georgia. In discussing this transaction in a special message to the Senate[3] President Adams used the following language:

> "I do not deem it necessary to decide upon the propriety of the manner in which it was negotiated. Deeply regretting the criminations and recriminations to which these events have given rise, I believe the public interest will best be consulted by discarding them altogether from the discussion of the subject."

The delicacy of the Executive is forbidden here. It was sometimes a custom of white treaty makers, on occasions when other efforts had no effect, to resort to methods of persuasion, deception and bribery which should never have been employed. The Creek treaty of 1825 was obtained in such a way. It was incorrectly reported to the government as having been concluded with a large majority of the chiefs of the Creek nation and with a reasonable prospect of immediate acquiescence by the remainder. When the people of the Creek nation heard the terms of the treaty they uprose. Two of the native signers were put to death as traitors for an attempt to sell their country, and the others fled. After discovering the circumstances surrounding the transaction the Federal government under Adams made no effort to enforce the treaty, and it was declared cancelled. A new agreement was made under whose terms a part of the Creek possessions were obtained on immediate payment of $217,600, a perpetual annuity of $20,000, and a cession of territory west of the Mississippi for such of the nation as decided to remove thither.[1]

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[1] On Adams' accession, in 1825, the number of Creeks living under their own rule and on their own lands in Georgia and Alabama totaled some 20,000 souls; the Choctaws in Mississippi and Alabama were about 21,000 in number and the Chickasaw nation, in Mississippi, had a population of about 3,600.

At the same date the Cherokees still owned 5,292,160 acres in the limits of modern Georgia, while the Creeks retained 4,245,760 acres in the same region. The aggregate holdings of the same two nations in Alabama were 5,995,200 acres, and the Cherokees also had 1,055,680 acres in Tennessee. The possessions of the Chickasaws and Choctaws in Alabama aggregated 1,277,376 acres, and in Mississippi the two tribes ruled over and owned no less than 15,705,000 acres. The total southern territory thus still in possession of the four red nations in the year named equalled 33,571,176 acres, or a region one and one-half times larger than the combined areas of New Hampshire, Vermont, Connecticut, Rhode Island and Massachusetts.

[2] The treaty of February 12, 1825.

[3] Dated January 31, 1826.

The dissensions among the Creeks brought about by the methods employed by the United States during the last days of the Monroe administration weakened the native nation, and in the winter of 1826-7 Georgia entered its territory contrary to treaty rights of the Indians and the Federal law of 1802. Surveyors were instructed to plat a part of the Creek possessions, and the agents of the state were told they would be protected in their work by Georgia troops if necessary. The native nation appealed to President Adams, who, under the law of 1802, had power to halt Georgia's action either by civil process or use of the Federal army. Adams sent a special message to Congress[2] reciting the situation and stating his intentions in the following words:

> ". . . In abstaining at this stage of the proceedings from the application of any military force I have been governed by considerations which will, I trust, meet the concurrence of the legislature. Among them one of paramount importance has been that these surveys have been attempted, and partly effected, under color of legal authority from the State of Georgia; that the surveyors are, therefore, not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign state, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that should they meet with interruption they would at all hazards be sustained by the military force of the State, in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict must[3] have ensued which would itself have in-

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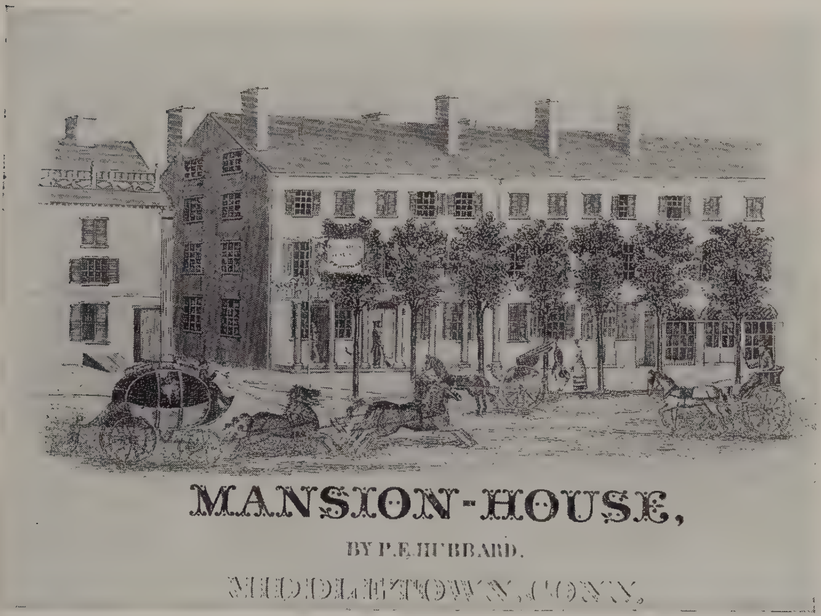
[1] The Creeks who departed to the westward also received $100,000.

[2] On February 5, 1827.

[3] The word "must" is emphasized in the original.

flicted a wound upon the Union and have presented the aspect of one of these confederated states at war with the rest. . . .

"It ought not, however, to be disguised that the act of the legislature of Georgia, under the construction given to it by the governor of that state, and the surveys made or attempted by his authority beyond the boundary secured by the Treaty of Washington of April last to the Creek Indians, are in direct violation of the supreme law of this land, set forth in a treaty which has received all the sanctions provided by the Constitution which we have sworn to support and maintain. . . .


MANSION-HOUSE,
BY P.E.HUBBARD.
MIDDLETOWN, CONN.

156.—Stage-coach similar to the preceding, entering a town. The driver is announcing his arrival by blowing his horn. A chair and a chaise are also shown.

"In the present instance it is my duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a super-added obligation even higher than that of human authority will compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge. . . ."

Georgia soon took still more radical action. She passed a resolution which nullified Federal treaties with the Cherokees and Creeks, declared state ownership of such of their possessions as lay within her charter limits, and indicated an intention to seize those territories by force of arms if she could not obtain them in any other way. This resolution read:[1]

"A Resolution of the Legislature of Georgia, approved December 27, 1827.

"Resolved, That the United States in failing to procure the lands in controversy 'as early' as the same could be done upon 'practicable'[2] and 'reasonable terms' have palpably violated their contract with Georgia, and are now bound at all hazards, and without regard to terms, to procure said lands for the use of Georgia. . . .[3]

"Resolved, That all the lands appropriated and unappropriated, which lie within the conventional limits of Georgia, belong to her absolutely; that the title is in her; that the Indians are tenants at her will, and that she may at any time she pleases, determine that tenancy by taking possession of the premises—and that Georgia has the right to extend her authority and laws over her whole territory, and to coerce obedience to them from all descriptions of people, be they white, red, or black, who may reside within her limits.

"Resolved, That Georgia entertains for the general government so high a regard and is so solicitous to do no act that can disturb or tend to disturb the public tranquillity, that she will not attempt to improve her rights by violence until all other means of redress fail. . . .

"Resolved, That if such treaty be held, the President be respectfully requested to instruct the commissioners to lay a copy of this report before the Indians in convention, with such comments as may be considered just and proper, upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal upon the part of the Indians to part with those lands. . . .

"Resolved, That the late proceedings of the Cherokee Indians, in

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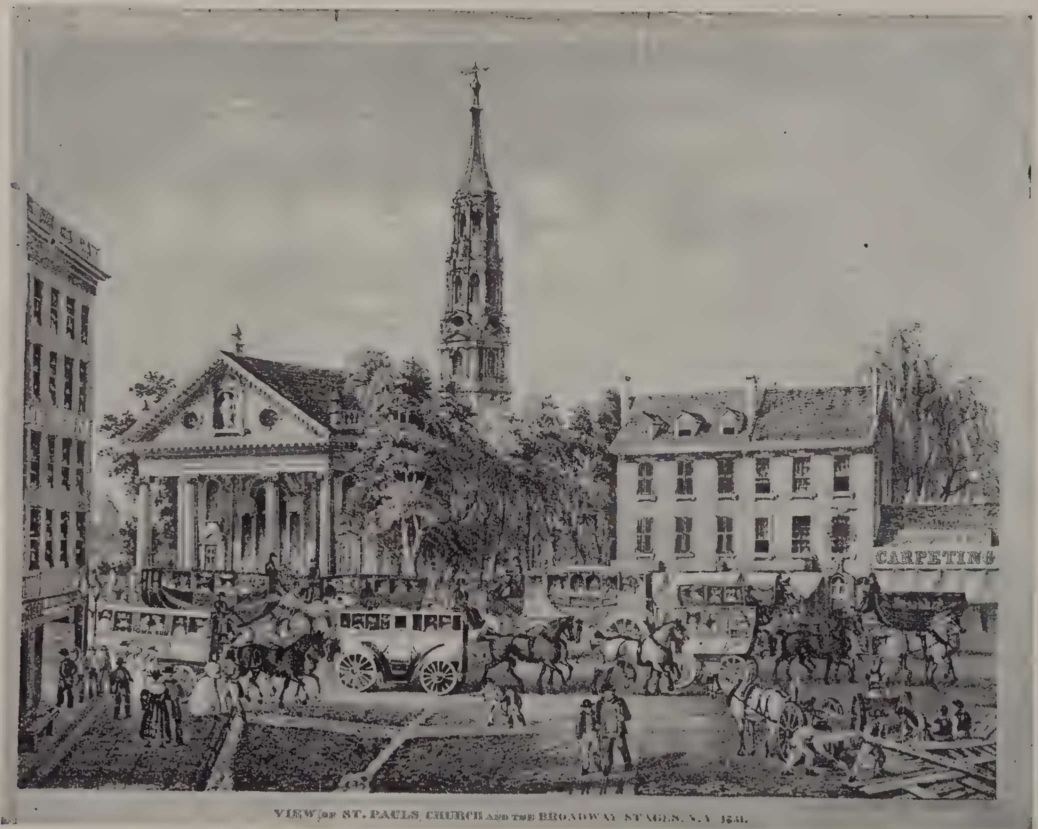
[1] Three sections are here omitted. They are in the nature of emphasis and repetition, and do not affect the meaning of the resolution in any way not disclosed by the remainder as here quoted.

[2] An improper rendering of the compact of 1802. The word in the original was "peaceable," not "practicable."

[3] Up to 1824 the Federal government, in an endeavor to carry out its obligations under the compact of 1802, had bought lands for Georgia as follows:

From the Creeks, 14,748,690 acres;
From the Cherokees, 1,095,310 acres.

Between 1824 and 1830 the government further bought 4,083,200 acres from the Creeks for Georgia, making a total Federal purchase for Georgia under the 1802 act of 19,927,200 acres.


CARPETING
VIEW of ST. PAULS CHURCH AND THE BROADWAY STAGES, N.Y. 1831.

157.—Stage-coaches like those used for city passenger traffic in large towns from about 1825. Scene at the corner of Broadway and Park Row, New York City, in 1831. Vehicles of this sort evolved into the omnibus, and still later (soon after 1850) into the horse-drawn street-car operated on a railed track.

framing a constitution for their nation, and preparing to establish a government independent of Georgia, is inconsistent with the rights of said State, and therefore not recognized by this government, and ought to be decidedly discountenanced by the general government."

The Cherokee National Council, sitting as a Constitutional Convention, had drawn up a written national constitution during the previous July. The Cherokees had not, however, lately proceeded to establish a government independent of Georgia for such an independent native government had existed since the organization of the Federal Union and had been recognized by it and by Georgia. Nor did the adoption of a constitution in 1827 mark the first occasion on which the Cherokees had altered their machinery of government in accordance with their development. They had begun to enact general laws by National Council in 1808. In 1819 they established a Commission government vested in a Standing Committee of 13 elected members. In 1820 the nation was divided into eight districts, each represented in the National Council by four salaried members chosen through popular election. Courts were established and judges appointed in the same year. Finally, in 1827, came the first written constitution and a legislative body composed of two houses.[1]

A contemporary account of the Cherokees and their republic, written and published in the same year that witnessed the foregoing action of Georgia, reads as follows:[2]

"Within the last twenty years the Cherokees have rapidly advanced towards civilization. They now live in comfortable houses, chiefly in villages, and cultivate large farms. They raise large herds of cattle, which they sell for beef to the inhabitants of neighboring states. Many mechanical arts have been introduced among them. . . . The population, instead of decreasing, as is the case generally with tribes surrounded by the whites, increases very rapidly, . . . increase in the last six years, 3,563. . . . Their government is republican, and power is vested in a Committee and Council, answering to our Senate and House of Representatives. The members are elected once in two years. . . . Their judges act with authority."

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[1] The enactments of the Cherokees from 1808 to 1835, together with the Constitution of 1827, were collected and issued in 1852 by the Indians' governmental printing office, in a volume of 179 pages, under the title "Laws of the Cherokee Nation: Adopted by the Council at Various Periods. Printed for the Benefit of the Nation. Cherokee Advocate office, Tahlequah, C. N., 1852."

The second written constitution (that of 1839) and their legislative acts from 1839 to 1851 were similarly published at the same time in a volume of 248 pages entitled, "The Constitution and Laws of the Cherokee Nation. Passed at Tahlequah, Cherokee Nation, 1839-51. Tahlequah, Cherokee Nation, 1852."

Tahlequah was the native capital after the removal west of the Mississippi.

[2] From Sherwood's "Gazetteer of Georgia, 1827."

During the year 1828 the Georgia legislature passed two more acts dealing with the Indian question. The first of these was directed against the Creeks, and contained the following provisions:

> "That from and after the passage of this act, it shall not be lawful for any Indian or descendant of an Indian, belonging to the Creek nation of Indians, to cross the river Chatahouchee, and enter upon the territory of said state, under any pretext whatever, except they have, and can shew a written permit from the United States agent . . . which permit shall not exceed ten days' duration. . . .
>
> "And be it further enacted, That when any Indian or Indians shall be strolling over any country, on the frontier of said state, with such permit as aforesaid, and shall interfere with the private property, or interrupt the peace and tranquillity of any of the citizens aforesaid, it shall and may be lawful for them to be apprehended as aforesaid, on its being made appear to the satisfaction of the magistrate, to whom the warrant is made returnable, that said Indian or Indians were without lawful business, and disturbing the peace, or molesting the property of said citizens; for said magistrate to imprison said Indian or Indians not exceeding the term of time aforesaid. . . ."[1]

The remaining Georgia law of 1828 was directed toward both the Cherokee and Creek nations, and was entitled, "An act to add the territory lying within the limits of this state, and occupied by the Cherokee Indians, to the counties of Carroll, De Kalb, Gwinnett, Hall and Habersham; and to extend the laws of this state over the same, and for other purposes." The first five sections of the enactment defined the various geographical parts of the

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[1] Ten days. Indians without permits were subject to similar imprisonment whether they interrupted the peace and tranquillity of the whites or not. It was more difficult for natives to travel safely in Caucasian territory than for whites to travel in native regions.

Cherokee territories placed within the counties named. Section six provided that all white persons in the affected districts fell under the operation of the statute immediately after its passage. Section eight read:

> "And be it further enacted, That all laws, usages, and customs made, established and in force, in the said territory, by the said Cherokee Indians be, and the same are hereby, on and after the first of June, 1830, declared null and void."

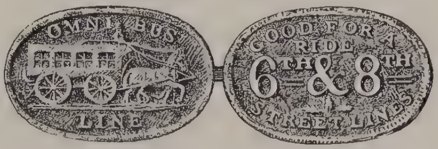
Sections 7 and 9 of the statute related to the jurisdiction set up by Georgia over the individual Indians of the Cherokee and Creek nations, and to the amenability of the Indians of those nations to laws passed by the Georgia legislature. Though separated in the original act by section 8 just quoted, the relationship of sections 7 and 9 is such that they require to be read together. The text of the two sections ran:

> "Sec. 7. And be it further enacted, That after the first of June, 1830, all Indians then and at that time residing in said territory, and within any one of the counties as aforesaid, shall be liable and subject to such laws and regulations as the legislature may hereafter prescribe."
>
> "Sec. 9. And be it further enacted, That no Indian, or descendant of Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness, or a party to any suit, in any court created by the constitution or laws of this state, to which a white man may be a party."

This state law spoke the approaching downfall of the Indian nations of the South, and both the date of its passage and part of its phraseology may have a significance which does not appear on the surface of the action. It was passed by Georgia's legislature on December 20, 1828, after it was known that Andrew Jackson was to succeed Adams as Chief Executive of the country.[1] Adams' attitude on the question of Indian rights under Federal law and treaties had been tested, and the law was

[1] Adams did not receive a vote in Georgia in 1828.

so worded that only white people in the annexed territories should be touched by it while Adams remained President. The application of the statute to the Cherokees and Creeks as individuals, and its destruction of Cherokee government, were to occur after the next Federal administration should be in office. Jackson had for some time declared "that if the states chose to extend their laws over them [the Indians] it would not be in the power of the Federal Government to prevent it."[1]



158.—Metallic ticket of a passenger stage line in New York City. Revealing a vehicle similar to some of those portrayed in the preceding illustration, but here called an "omnibus." Date, about 1830-1835. Brass; actual size.

By the year 1828 the problem arising from the Indian situation in the South was attracting the attention of the country, and the predicament into which the white race had fallen was recognized. Government exerted its utmost legitimate effort to induce a migration of the four great red nations and the cession of their countries, but without avail. The natives refused either to sell or to go, stood on their treaty rights and demanded protection from invasion in order that they might develop in peace. President Adams' action in behalf of the Creeks prevented any further overt movement by a white state during the remainder of his term of office, but in the last year of his administration it was seen that a crisis could not be far distant. One of Adams' efforts to secure the removal of the Cherokees consisted in negotiating a treaty[1] with them, non-compulsory in character as far as immediate general migration was concerned, but which, it was hoped, would offer guarantees for the future that might attract the bulk of the nation from the eastward. Never before had the United States used similar language in dealing with a native tribe. The tone of patronage and protestations of philanthropy that had so long distinguished Indian treaties did not appear. Conditions were serious at last. The pledges of the treaty are here given:

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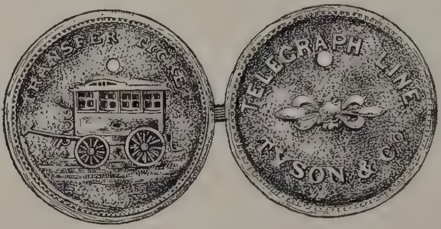
[1] His own language in defining his position. Contained in a message to the Senate under date of February 22, 1831, in answer to the Senate's request for an explanation of his acts and policy toward the Indians. The alteration in Jackson's opinion must, however, have taken place since 1820, for in that year, as a Plenipotentiary of the United States, he had guaranteed the inviolability of the Choctaw possessions until the members of the nation became United States citizens.



159.—Metallic ticket of the Telegraph Line of passenger stages in New York City. Showing a further development of the former stages toward the omnibus type. All known examples are punched. Probably the driver carried his stock of tickets strung on a wire, to prevent loss. Brass; actual size. Date, about 1840-1845.

"Whereas it being the anxious desire of the Government of the United States to secure to the Cherokee nation of Indians . . . a permanent[2] home, and which shall, under the most solemn guarantees of the United States, be, and remain, theirs forever—a home that shall never, in all future time, be embarrassed by having extended around it the lines, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension, in any way, of any of the limits of any existing Territory or State; . . . the parties hereto do hereby conclude the following articles, viz.:

"Article 2. The United States agree to possess the Cherokees, and to guarantee it to them forever, and that guarantee is hereby solemnly pledged, of seven millions of acres of land, to be bounded as

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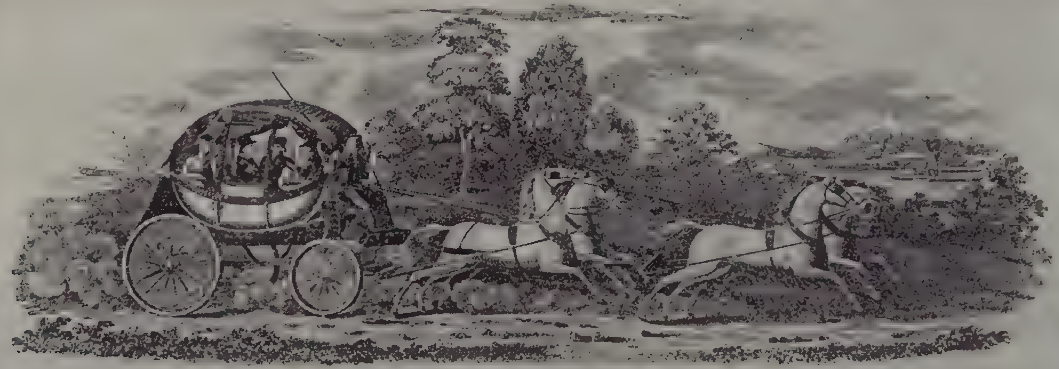
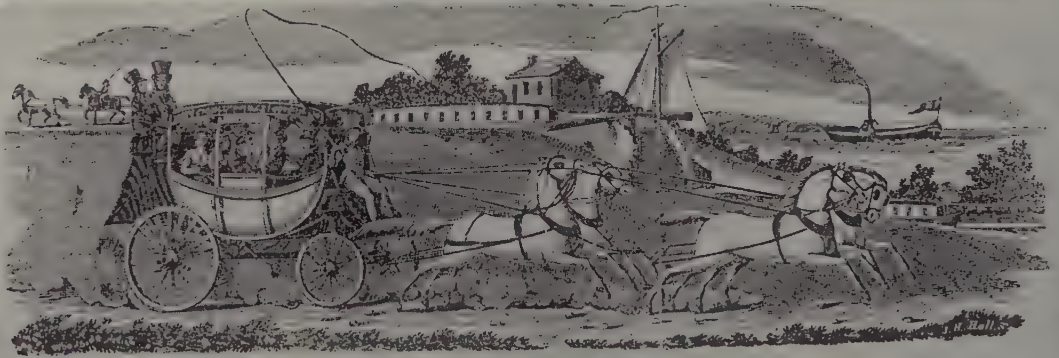
[1] Dated May 6, 1828.

[2] "Permanent" is emphasized in official government texts.



STAGE COACH OF 1818



STAGE COACH OF 1828

160.—Two engravings illustrating the alteration in the shape of the stage-coach between 1815 and 1828, as the vehicle approached its final form called the "Concord Coach." The flattening of the top gave more room inside, and, after railings were installed, permitted the carrying of baggage on the roof.

follows. . . . In addition to the seven millions of acres thus provided for, and bounded, the United States further guarantee to the Cherokee nation a perpetual outlet, West, and a free and unmolested use of all the country lying West of the Western boundary of the above described limits, and as far west as the sovereignty of the United States, and their right of soil extend."

Those Cherokees who had removed to Arkansas in 1817 and 1819 thereupon gave up the Arkansas lands secured to them at that time and accepted the pledges and territory above recited,[1] but there was then no general exodus of the tribe from Georgia.

Near the close of his administration President Adams gave his views on the race conflict in his last annual message,[2] and in the following terms:

> "At the establishment of the Federal government under the present Constitution of the United States the principle was adopted of considering them as foreign and independent powers and also as proprietors of lands. They were, moreover, considered as savages, whom it was our policy and our duty to use our influence in converting to Christianity and in bringing within the pale of civilization.
>
> "As independent powers, we negotiated with them by treaties; as proprietors, we purchased of them all the lands which we could prevail upon them to sell. . . . The ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization. In the practice of European states, before our Revolution, they had been considered as children to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters to be indemnified by trifling concessions for removal from the grounds from which their game was extirpated.
>
> "In changing the system it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of Christianity we have unexpectedly

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[1] The inviolable region then given to the Cherokees, which was never to have extended around it the lines of any territory or state, lies south of Kansas, not far from the present geographical center of the United States.

[2] December 2, 1828.

found them forming in the midst of ourselves communities claiming to be independent of ours and rivals of sovereignty[1] within the territories of the members of our Union. This state of things requires that a remedy[2] should be provided—a remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. . . ."

Three or four elements of President Adams' opinion require attention. One relates to his Executive declaration — the last one in history — to the effect that Indian nations were, in the eyes of the United States, "foreign and independent powers." With the expiration of Adams' term they had held that rank for forty years. Another phase of the retiring President's view has to do with the surprise voiced by him, and which suddenly swept over the white people when they at last realized that some of the red nations possessed qualities of manhood and civic pride which, under conditions even in a small degree favorable, made it possible for them to walk with their Caucasian fellows toward higher conditions of life — in the material sense. The mass of the newly arrived Americans had seemingly underrated the basic character of the red men, perhaps because they found it so easy to deceive them in matters which hung on the principle of honesty. They had hard work to comprehend a people who meant what they said; a people who—before the white men came—had apparently heard truth so long that they could not avoid the habit of believing, and who still tried to believe even when they knew they shouldn't. So the misconception got an early start and thereafter remained. Much of the civilizing process to which the natives had been subjected for nearly two centuries was that which tended to drag them down[1] and make savages out of them. Civilizing a man does not necessarily make him morally better. It may make him worse.

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[1] A contradiction of the previous part of the message, wherein the President had already stated that the red people had long been officially recognized as foreign and independent powers.

[2] The remedy suggested by Adams was a colonization plan in the West, drawn up by the War Department and submitted with the message.

Finally the red nations of the South got a chance, after the era of warfare ended, personally to select from the plane of human society called civilized life those elements of it which they desired, and to keep at arm's length for a time those other features of it which the white race had so lavishly bestowed on many natives. The result was immediate, and no doubt unexpected by the mass of the Caucasians. A feeling somewhat akin to indignation came over them. They acted as if they had been grossly deceived. They were angry at their own government, and blamed it for such a lamentable miscarriage of manifest destiny. Unfortunate children of nature, they felt, ought not experiment with patriotism and legislatures, and should either accept the particular variety of civilization offered to them by self-confessed benefactors or go without its blessing altogether.

President Adams said: "We have been far more successful in the acquisition of their lands than in imparting to them the principles or inspiring them with the spirit of civilization." There had apparently been no general desire by the white population to inspire the natives with the spirit of civilization in any fine significance of that expression, nor an unselfish and honest effort of the government toward the same end. The Cherokees and a few other red nations did believe until about 1825 that the republic's official interest in their welfare was unselfish, and they were grateful for it. But — for us of these later days — the sight of two consecutive Presidents trying for

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[1] Reference is here made to the influence of the whites en masse; not to the splendid and helpful work of numerous individual white missionaries. The natives often asked such missionaries why they did not devote their effort to their own white brothers, who appeared to need it so much in matters of every-day living and mutual association.

ETY COACHES.

161.—The Concord Coach. A stage of Beltzhoover and Company's Phoenix Line, running between Washington and Baltimore about 1830. Probably the largest and most pretentious American stage-coach print. Engraved by the artist Swett, after his own drawing.

a period of years to find a remedy for native civilization and its logical and beneficial results, casts a doubt on the sincerity of contrary governmental protestations. Congressional endorsement of Indian progress, and white legislative action designed to supply the southern native nations with materials of husbandry, ceased after unmistakable symptoms of their advancement became visible.

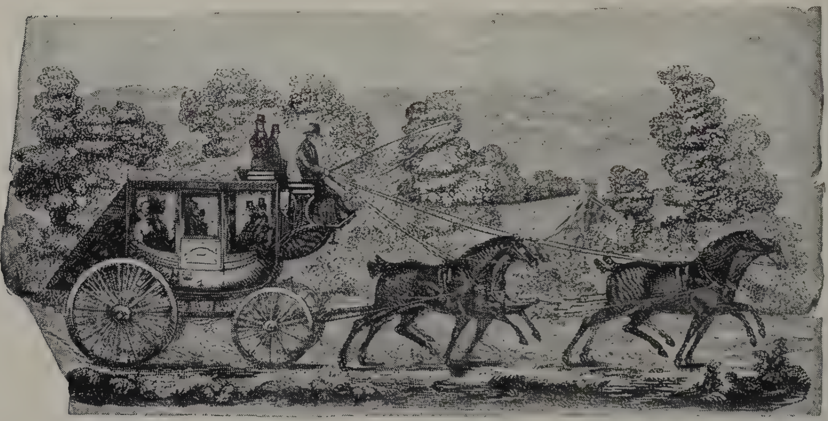
In giving concrete application to President Adams' remarks on the ratio existing between land acquired from Indians and civilization bestowed upon them, it will be found that the situation in the South was the contrary of his statement; nor had the United States brought upon itself any obligation to provide the southern nations with subsistence. They, instead, were exporting their surplus crops to white communities. Again, their claim of independence and sovereignty to which the President refers as an unexpected phenomenon was but the inevitable corollary of the recognition accorded to them by the United States from the foundation of constitutional government. It could scarcely have been expected that their love of country would steadily dwindle, as they became more secure and prosperous in its possession, until finally they would be ready to abandon it. And every advancing step in their progress could not but be marked by an increase in the governmental machinery necessary to conduct the affairs of a more busy and complex society.

A sincere desire by one people, for any sort of civilization on the part of another people, must take thought of those elemental and essential features of civilization here mentioned, and expect them duly to appear. Indeed, a failure to anticipate them — by those capable of anticipation — is in some measure a suggestion that any advocacy of human advancement which fails to consider them is insincere. President Monroe had mentioned the lack of foresight used in dealing with the Indians, and now Adams — in commenting on the policy adopted toward them in 1789 — was to say: "It would seem as if a full contemplation of the consequences of the change had not been taken."

One other matter mentioned by Adams in his last message commands attention before the recital of historical events is resumed. It is a subject that at all times bore a more or less intimate relation to the misunderstanding between the races. President Adams mentioned that the red men had been looked on as savages, and that it had been considered both the duty and the policy of the whites to convert them to Christianity.

Now it so happened that the most deplorable tragedy enacted in the relations between light-skinned and dark-skinned peoples was due to the unfortunate and mistaken policy of Spain in her treatment of American Indians. A part of the persecutions to which the natives were subjected by early Spaniards took place in the near-by part of North America now occupied by Mexico, and their extent and long continuance caused a vague knowledge of them to spread slowly through a large part of the red population to the northward. Even after those cruelties abated the memory of them still persisted. Spain was a Christian nation and the native population, in some degree at least, came to link deception, avarice, injustice and oppression with Christianity as one of the phases or outcroppings of that religion. So when another light-skinned horde of invaders came, proclaimed Christianity as its religion and urged that belief upon the natives in place of their own, any endeavor to secure its general adoption by them was handicapped. The red men at once discovered, it is true, that there were many fine characters among the multiplying strangers; but certain traits, methods and practises which were exposed to view by the English speaking people as time went on often led the Indians to believe that though the Caucasian religion was — from their standpoint — a much milder and less dangerous kind of Christianity than that of which tradition told them, it was nevertheless not one which appealed strongly to them if men could believe in it and at the same time do various things which the white men did.

The sole standard of the natives for the measurement of human belief and action was their knowledge of themselves. Among the most advanced of them there was a considerable uniformity of basic ethical principles and a similar uniformity in the manifestations of those fundamental beliefs through deeds. This was not so among the white people, but the red men, applying their own standards of measure, long thought it was so, and therefore they attributed to white men generally a willingness to commit the wrong acts which they saw individual white people employ. Thus the natives in a measure misunderstood those who had come among them.



162.—A flat-topped coach, probably on the road from Philadelphia to Baltimore, about 1832-1835. Engraved by the artist Tudor Horton.

The mass of English speaking people, on the other hand, based their misconception of Indian character and capacity on different, broader and characteristic grounds. They simply took it for granted that no primitive people — and especially one using bows and arrows — could be their own equals in any respect either of deed, thought or belief, and that consequently any ethical or moral convictions which the Indians might by chance possess could not be worthy of holding.

This attitude of the whites was no doubt one of the gravest of their errors in dealing with the natives. It prevented a possible meeting of the two races on a common plane of human sympathy and understanding that might perhaps have solved many of the difficulties of the situation without the unhappy events which did attend their solution. It was due to the mental arrogance of the Caucasians and to mistaken belief that human superiority, either among individuals or peoples, is chiefly demonstrated — if not invariably proved — by material possessions and physical power. The red men did not number more than a few hundred thousand souls, and the practical sense and clear, direct reasoning characteristic of their mental processes speedily showed them the advantage of harmonious relations and mutual good will. Had they been consistently met in the same spirit it is doubtful if the white Americans would in the end have lost anything they now possess, while both they themselves and the Indians would assuredly have preserved much that was lost.

As far as the ethical beliefs and resultant practises of the more advanced natives in their natural state were concerned they did, in fact, compare rather favorably with the strangers. Only a small number of competent white men gave serious study to those things until comparatively recent times, or had opportunity to do so, but the testimony they left is often valuable and enlightening. Three short examples of it are here given:[1]

> "I fearlessly assert to the world, and I defy contradiction, that the North American Indian is everywhere in his native state a highly moral and religious being . . .
>
> "I never saw any other people who spend so much of their lives in humbling themselves before and worshipping the Great Spirit as these tribes do, nor any whom I would not as soon suspect of insincerity and hypocrisy.

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[1] The narratives of others who carefully studied the Indians while they were yet unaffected by intimate contact with the whites, and of travellers among them, will reveal similar opinions and statements.

"To each other I have found these people kind and honorable, and endowed with every feeling of parental, filial and conjugal affection that is met with in more enlightened communities."[1]

Another comment reads:

". . . Simply to call these people religious would convey but a faint idea of the deep hue of piety and devotion which pervades the whole of their conduct. Their honesty is immaculate; and their purity of purpose and their observance of the rites of their religion are most uniform and remarkable. They are certainly more like a nation of saints than a horde of savages."[2]

The third of these observations is a more detailed statement, and deals with the Sioux as they were in 1818. The later history of the West gives these comments an added significance:[3]

"The pagans on the River St. Peter have no knowledge of the Bible, but they believe in a Great Spirit who lives forever in a palace above all clouds—and that he made the sun, the moon, the stars, the earth, the lakes, rivers, trees, cattle, fishes, birds, and all things, and gave them to the Indians, who are like Him in shape, in benevolence, and in goodness; and they believe that if they are moral and pious they will be sent for by the Great Spirit to live with him in his palace forever, and want no good thing. Also they believe in the following revelation and laws, sent to their ancestors by the Great Spirit.

"1—Fear, love and praise the Great Spirit.
"2—Be honest.
"3—Love one another.
"4—Be charitable.
"5—Injure no man.
"6—Be merciful to animals.

"Thus live the Sioux Nations on the West side of the Mississippi to the Shining Mountains in perfect orthodoxy; no ways troubled about the opinions of fathers, councils, bishops, or churches, but contented with their short creed and divine rules.

"Since residing here amongst many pagan tribes, who are the most innocent, benevolent and moral part of the human race I ever saw, I have thought much. The moral perfection of these Indians and their creed have brought me to join with them in saying that their Articles are as good as the Articles of the multiformed churches of Christendom.

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[1] "Letters and Notes on the Manners, Customs and Condition of the North American Indians." Second Edition: Vol. II, p. 243.

[2] "The Adventures of Captain Bonneville": chapter 9. Refers to the Nez Percés.

[3] This letter has apparently escaped notice in any history of the western Indians or of the regions concerned. It was written at Prairie du Chien, in May of 1818, and printed in the "Indiana Centinel" of May 29, 1819.

"These pagans have high prejudices against Christians, and believe the Spaniards are the only true Christians, whose cruelties, murders and robberies in South America of the Indians are well known by tradition among the Sioux tribes; and when any white traders cheat and deceive a Sioux Pagan they are called Spaniards and Christians. . . .

"If the Americans should ever attempt to introduce Christianity among the Sioux tribes, they must send honest traders, sensible and moral men, to deal with them, and make use of no severity. Mildness, benevolence and pious examples must be used among the Sioux Nations to induce them to adopt a life of civilization, and no use is to be made of the word Christian or Spaniard.

"Military compulsion will not be useful in civilizing Indians. The Sioux know they are the real and rightful owners of the land by virtue of the Great Spirit, by long possession and occupancy, and no white people have a right to build forts, houses, and cultivate their lands, until they obtain from the Indians a right by purchase, and consent of the owners and present possessors.

"This doctrine is not pleasing to military commanders, but must be attended to by our government, to prevent a war with the many tribes of Indians in this western territory. For two years past no crime has been committed among all these many Indian tribes."

The native beliefs of the red peoples, together with a discord which they observed between the spoken religion and numerous outward acts of the white men, were the causes contributing to the result mentioned by President Adams. Nevertheless some natives did embrace the religious beliefs so constantly offered to them by earnest and self-sacrificing missionaries in all parts of the country. In the case of the Cherokees practically the whole people became converts, built churches, and printed their own hymn books and other similar volumes in their own written language, from type set up in the government printing establishment in their capital, New Echota.

CHAPTER XXVII

MISSISSIPPI AND ALABAMA JOIN GEORGIA IN THE ATTACK ON NATIVE INDEPENDENCE — DOWNFALL OF INDIAN SELF-GOVERNMENT AND CIVILIZATION IN THE EAST DRAWS NEARER — JACKSON ASSUMES THE PRESIDENCY AND CROSSES THE RUBICON — CHARACTER OF HIS UTTERANCES ON THE INDIAN PROBLEM — APPEAL OF THE CHEROKEE LEGISLATURE TO THE WHITE PEOPLE — ACTION OF THE CHOCTAW NATIONAL COUNCIL — PLEDGES OF THE CHOCTAW TREATY — CONDITIONS OF CHOCTAW SOCIETY — DEMANDS OF THE CHICKASAWS AND EXTENT OF THEIR ADVANCEMENT — JACKSON'S PERSONAL JOURNEY TO MEET THE CHICKASAWS AND HIS SPEECH TO THEM — THE UNITED STATES REAFFIRMS NATIVE INDEPENDENCE AND RE-CREATES WEST OF THE MISSISSIPPI THE SAME CONDITIONS WHICH IT IS TRYING TO DESTROY IN THE EAST

THE states of Mississippi and Alabama joined with Georgia in refusing longer to recognize the sovereignty of the southern Indian nations immediately after President Jackson assumed the duties of his office. A year previous to that time, while Adams was still in power, Mississippi had addressed a memorial to the Federal Congress[1] recognizing that the United States alone could treat with the Chickasaws and Choctaws within the modern bounds of the state. The document related existing conditions, announced that white men had gone into the native territories and said: "Your memorialists therefore respectfully suggest, that the removal of the aforesaid white persons by general government, and a judicious selection of commissioners to treat with these nations for their lands would obviate most of the difficulties which have heretofore opposed themselves to the acquirement of the Indian lands." The memorial also said: "A large portion of the most valuable territory within the chartered limits of this state is occupied by savage tribes."[1]

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[1] On February 17, 1828.

The Mississippi statute designed to cancel the sovereignty of the two red nations whose existence the state had decided thereafter to ignore despite Federal treaties was enacted on February 4, 1829,[2] some five weeks after Georgia's similar action. It was entitled "An act to extend legal process into that part of this state now occupied by the Chickasaw and Choctaw tribes of Indians." Following the law of 1829 Mississippi passed, in 1830, a statute reading:

> "An act to extend the laws of the State of Mississippi over the persons and property of the Indians resident within its limits.
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> "Sec. 1. Be it enacted . . . That from and after the passage of this act, all the rights, privileges, immunities and franchises, held, claimed or enjoyed by those persons called Indians, and their descendants, and which are held by virtue of any form of policy, usage or custom existing among said persons, not particularly recognized and established by the common law or statutes of the state of Mississippi, be, and the same are hereby wholly abolished, and taken away."

Section two granted to the Indians "all the rights, privileges, immunities and franchises held and enjoyed by free white persons" of the said

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[1] "Laws of the State of Mississippi passed at the Eleventh Session of the General Assembly, held in the Town of Jackson. Published by authority, Jackson, 1828": pp. 144-145.

[2] Winter travellers and news then required about two or three weeks to proceed from interior Mississippi to Washington, and information regarding the step taken would therefore have reached the capital in the final fortnight of Adams' term.

163.—A Concord coach on a road in the Catskill Mountains. About 1840.

state, "in as full and ample a manner as the same can be done by act of the General Assembly."

"Sec. 3. Be it further enacted, That all the laws, statutes and ordinances now in force in the said state of Mississippi, be and the same are hereby declared to have full force, power and operation over the persons and property of and within the territory now occupied by the said Indians. . . .

"Sec. 5. And be it further enacted, That any person or persons who shall assume on him or themselves, and exercise in any manner whatever the office of chief, mingo, head-man or other post of power established by the tribal statutes, ordinances or customs of the said Indians, and not particularly recognized by the laws of this state, shall, on conviction upon indictment, or presentment before a Court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, and be imprisoned any time not exceeding twelve months, at the discretion of the Court before whom conviction may be had." [1]

Alabama's enactment in nullification of Federal treaties, passed in 1829, was called "An act to extend the jurisdiction of the State of Alabama over the Creek nation." It contained no severe sections of individual application. Two articles read:

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[1] "Laws of the State of Mississippi. Thirteenth Session. Jackson, 1830": pp. 5-6. The parts here omitted—sections 4 and 6—do not alter the meaning of the remainder.

> "Sec. 6. That nothing in this act shall be so construed as to impose taxation or military duty on the Indians, until the same shall be specially authorized by the state legislature."
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> "Sec. 8. That the Secretary of State be required forthwith to furnish the agent of the Creek Indians and each of our Senators in Congress, with a copy of this act."

President Jackson's first annual message[1] contained an elaborate review of the critical situation in the South and his attitude toward the problem presented by it. The Executive and governmental position, as expounded by him, was a reversal in almost every particular of the policy uniformly pursued by the nation from its constitutional organization up to that time. The Governor of Georgia had written to the Federal Secretary of War saying that if the President sustained the Indians, "the consequences are inevitable," and that if the Federal government opposed by force the occupation of the Cherokee region, then Georgia would be compelled to "war upon, and shed the blood of brothers and friends." Jackson said in his message:

> ". . . It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits.[2] A portion, how-

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[1] December 8, 1829.

[2] They were abandoning their earlier habits and adopting pastoral lives east of the Mississippi to the utmost extent compatible with their surroundings and the influence of the white race. Instances wherein this was not true were due to the fear, on their part, that it would be useless and that they would again be evicted.

ever, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life,[1] have lately attempted to erect an independent government within the limits of Georgia and Alabama.[2] These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

"Under these circumstances the question presented was whether the general Government had a right to sustain those people in their pretensions.[3] The Constitution declares that 'no new state shall be formed or erected within the jurisdiction of any other state' without the consent of its legislature.[4] If the general Government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there . . .[5]

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government[6] would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those states.[7]

"Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the

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[1] The progress made by the southern red nations was rather due to their refusal to mingle with the whites to the extent that occurred in the North. The southern tribes kept the bulk of the Caucasians at arm's length, thus becoming less contaminated by weakening vices and accepting only the useful teachings they could offer.

[2] The Cherokees' independent government here referred to, had been sixteen times recognized by the Federal Union and had been a matter of Congressional admission and Executive pronouncement for 40 years.

[3] Three years previously the general government, through its Executive, had declared its intention to sustain them, if necessary, by its military power.

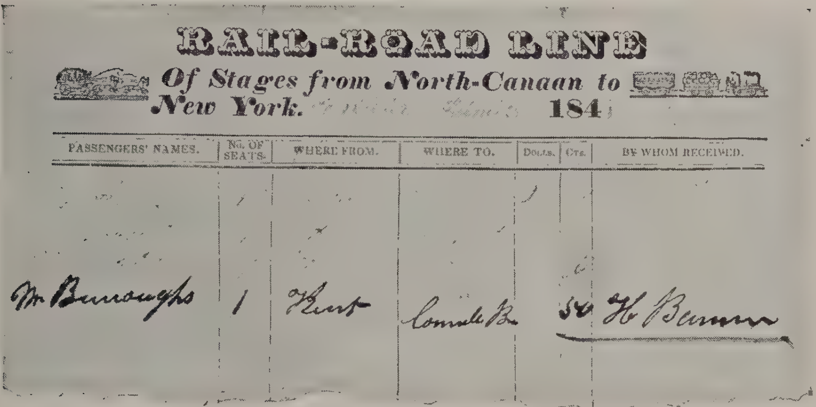
[4] The United States had recognized the Cherokees as an independent state prior to the adoption of the Constitution, and had dealt with them by treaty in 1785. The recognition given to them was a continuing process whose origin antedated the Constitution.

[5] As already suggested, a foreign and independent government was already there in the case of the Cherokees, and it had held treaty relations with the Congress of the Confederacy before Georgia, Alabama, Tennessee and North Carolina had relations either with one another or with the Federal government under a Constitution; and before Alabama and Tennessee existed.

The points here advanced—in connection with Jackson's presentation of the matter—are examples of the difficulties and confusion, mentioned in an earlier chapter, in which the United States found itself involved at a time when the need of unimpeded communication between all parts of the country began to be keenly felt.

[6] Again the President phrases his address in a manner to make it appear that profession of native independence was a new thing.

[7] Thereby again wrecking "the policy of Government" by once more "thrusting them farther into the wilderness."



RAIL-ROAD LINE

Of Stages from North-Canaan to New York. 184

PASSENGERS' NAMES.	No. OF SEATS.	WHERE FROM.	WHERE TO.	DOLLS.	CTS.	BY WHOM RECEIVED.
Mr Burroughs	1	Kent	Cornwall Br		50	H Barnum

164.—Stage-coach way-bill, or manifest. The driver of a stage, or an agent at the starting point, kept a record of passengers on a printed form like this, and delivered the document to the owner of the line as an account of business transacted.

Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek.[1] That this fate surely awaits them if they remain within the limits of the states does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states, whose limits they could control. That step can not be retraced.[2] A state can not be dismembered by Congress or restricted in the exercise of her constitutional power.[3] But the people of those states, and of every state, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the states, to preserve this much-injured race.

"As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi. . . . There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth destined to perpetuate the race and to attest the humanity and justice of this Government.

"This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers[4]

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[1] The southern Indians were no longer savages. Their man-created resources had never been more valuable, or their prosperity and advancement more marked.

[2] The question then remained whether or not the United States would abide by the consequences.

[3] The affected southern states had disclaimed ownership or jurisdiction of Indian territory until a short time before.

[4] While it is true that the southern nations, like other Indians, did have sentimental affection for their familiar territories, they were nevertheless more concerned about giving up their homes, flocks, farms, mills and the other material improvements of a generation.

> and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the states they must be subject to their laws. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry.[1] But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase.[2] Submitting to the laws of the states, and receiving, like other citizens, protection in their persons and property, they will ere long before merged in the mass of our population." [3]

Following the utterance of Jackson the position of the Indians of the South became more precarious than before. This was especially the case in Georgia, which state had assumed a somewhat more advanced attitude in hostility to them than had either Alabama or Mississippi. All four of the red nations were dismayed by the sudden alteration in the Republic's relation to them, but under the counsel of their leading men maintained a quiet demeanor and busied themselves with preparations for a decorous pleading of their cause in whatever quarter that method of defense appeared to offer best chance of success. Extreme care was taken by them to prevent clashes of violence, and, in consequence, very little disorder took place. White surveys of Indian lands were resumed in some quarters, but without resistance on the part of the natives. The United States for a time sent representatives to the South in an effort to prevail on the nations to sell their possessions and remove at once to the westward of the Mississippi. These agents received instructions to work on the principal men of the nations "in the line of their prejudices"; to "enlarge on the advantages of their condition in the West"; to "make offers to them of extreme reservations in fee simple, and other rewards, to obtain their acquiescence"; to "appeal to the Chiefs and other influential men, not together, but apart, at their own houses."

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[1] State laws already framed scarcely warranted the President's conclusion. In addition to those already quoted, Georgia had organized a lottery with Creek lands as prizes.

[2] The southern nations made no claims to territory that were not defined by treaty and acknowledged as valid by the white government. The United States, when it claimed from England all the region to the Mississippi River, in 1783, did more than President Jackson objected to on the part of the natives. It then claimed territories not even seen from the mountain, passed in the chase or otherwise known to them except by hearsay.

[3] In view of the easily accessible information possessed by governmental departments to which an Executive turned for accurate knowledge respecting the subjects discussed in official papers, and also in view of General Jackson's long personal acquaintance with the country's racial relations and problems, it is difficult to reconcile some of these assertions and opinions with a belief in the sincerity or ignorance of their author. It is easier, rather, reluctantly to believe that Jackson was influenced by a knowledge that individual states were in revolt against Federal authority, with civil war a probability unless he yielded, and that he chose a way out of the complicated dilemma which apparently benefited his fellow white men.

Considerable quantities of gold were found in the streams of the Cherokee country at the same time, and that discovery further excited the white population of the South and made it still more insistent upon the departure of the Indians. Many southern gold-seekers flocked to the wealth-bearing rivers and creeks in violation of existing treaty regulations.[1] The Cherokees sent a delegation to Washington to employ counsel and defend their interests, and John Ross, Chief Executive of the nation in 1830, convened the native Congress in extraordinary session.

Among the counsel before whom the matter of Indian independence was laid by the Cherokees for opinion was William Wirt, and his opinion read thus:

> "On every ground of argument on which I have been enabled, by my own reflections or the suggestions of others, to consider this question, I am of the opinion:
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> "1. That the Cherokees are a sovereign nation: and that their having placed themselves under the protection of the United States does not at all impair their sovereignty and independence as a nation. 'One community may be bound to another by a very unequal alliance, and still be a sovereign state. Though a weak state, in order to provide for its safety, should place itself under the protection of a more powerful one, yet according to Vatell (B 1. Ch. 1. par. 5 and 6) if it reserves to itself the

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[1] "We learn by a gentleman just from Georgia that there are about 5000 hands now digging gold in the Cherokee nation . . . The Indians and their agent begin to dispute with the Georgians about the soil and threaten to drive them off. The Georgians promise resistance and will not be easily removed." From the "Western Sun" (Vincennes, Ind.) of May 1, 1830.

MAIL-COACH CHANGING HORSES.

165.—Changing horses at a relay station. Fresh animals were attached to a stage at intervals of ten or fifteen miles. The new team stood awaiting the arrival of the coach, which was on its way again in one or two minutes.

right of governing its own body it ought to be considered as an independent state.'—20 Johnson's Reports 711-712. Goodell vs. Jackson.

"2. That the territory of the Cherokees is not within the jurisdiction of the state of Georgia, but within the sole and exclusive jurisdiction of the Cherokee nation.

"3. That consequently, the state of Georgia has no right to extend her laws over that territory.

"4. That the law of Georgia which has been placed before me is unconstitutional and void; (1) because it is repugnant to the treaties between the United States and the Cherokee nation, (2) because it is repugnant to a law of the U. States passed in 1802, entitled 'an act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers'; (3) because it is repugnant to the Constitution, inasmuch as it impairs the obligation of all the contracts arising under the treaties with the Cherokees: and affects moreover to regulate intercourse with an Indian tribe, a power which belongs exclusively to Congress.

"Baltimore, June 20, 1830. WILLIAM WIRT."

The policy of the Jackson administration was explained and defended at this time by the Secretary of War, and extracts from his argument[1] are here given:

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[1] Contained in a letter written by Secretary Eaton, on June 30, 1830, to Eli Baldwin, Corresponding Secretary of the Indian Board.

166.—Stage drivers were customarily accommodating in the matter of halting briefly for passengers who were near at hand, unless the vehicle was already full. Perhaps in this case there was not enough room left for another entire family. By the artist John Sartain.

"His [President Jackson's] fears are that strife, difficulty and dangers may be consequent upon a disposition on their part to remain where they are;[1] and these he has an anxious desire to avert, if within his power, through the exercise of any legitimate means."

"It is high time they were aroused to a sense of their actual and true condition."

"Every American would desire to preserve, not to oppress them. They will never be driven from their homes."

"It is not in his power to interfere with the exercise of the sovereign authority of a state, to prevent the extension of their laws within their own territorial limits."[2]

"Can he say to Georgia, you shall not consider an Indian a citizen and answerable to her civil and criminal jurisdiction?"[3]

" . . . So far, then, as the government of the United States is concerned there is no course under action, or in anticipation, calculated to induce to any other than a voluntary departure."[4]

"If a desire to harass and ultimately to destroy was the governing motive, the argument to be adduced to them would be not to remove, but remain where they are."[5]

Congress in the meantime had passed a general law[6] providing for concentrating the Indians in a region west of the Mississippi. The national legislature did not make their migration obligatory, but the bill was originally drawn without reference to existing treaties with the natives. This defect was altered by an amendment reading: "Provided, that nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes." The law also said: "It shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United

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[1] This way of stating the question tended to place responsibility on the natives for strife which would have come through the determination of the white race to dispossess them.

[2] The Secretary of War here assumes that the sovereignty of the affected states did extend over the Indian possessions, which was the principal and newly arisen point of dispute.

[3] Such, nevertheless, had been the position of both Georgia and of the United States for the thirty-eight years between 1789 and 1827.

[4] Scarcely an accurate statement. As soon as Georgia had officially notified Jackson of her claim to sovereignty over the Cherokee possessions he withdrew from the Cherokee boundary those Federal troops which had been previously stationed there to prevent white intrusion on Indian land. Lack of protection was what made departure compulsory.

[5] This was correct on the presumption that the United States would no longer carry out its treaty obligations, but leave the natives under the laws of the states.

[6] Approved May 28, 1830.

States will forever secure and guarantee to them and their heirs or successors, the country so exchanged with them."[1]

The passage of the law of 1830 by Congress was hailed with relief by the white population of the country, which had likewise looked with approval on the attitude of President Jackson.[2] For several years the Indian problem had been one of the matters chiefly engaging public attention, and it was realized that some definite settlement of it must speedily be made. The new law, it was hoped, gave promise of that result. It had also been generally admitted that civil strife was in sight if the South was not permitted to have its way. An example of the usual newspaper comment of the day will best indicate popular feeling:

> "The great Indian question has been finally settled, leaving the red man the choice of remaining where he is, subject only to the laws of the state or territory in which he resides in common with the white inhabitants, or of removing to the west of the Mississippi under the bounty and protection of the general government, and receiving there in exchange for the land he quits a much wider territory, healthier climate and more abundant and profitable hunting grounds. This measure was projected under the former administrations, and its execution made necessary at this time to avoid the more serious alternative of civil war. Men the best acquainted with the subject in all its bearings consider the act equally the dictate of humanity as of necessity."[3]

When the Cherokee legislature had assembled in extraordinary session[4] to consider the course of the nation in the crisis that had arisen, Ross, the Executive, delivered to it the subjoined message:[5]

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[1] A prediction concerning this pledge was made at the time by the Rev. Jeremiah Evarts, in a letter published in the "National Intelligencer" under the name of "William Penn." He said: "In a quarter of a century the pressure upon the Indians will be much greater from the boundless prairies, which must ultimately be subdued and inhabited, than it would ever have been from the borders of the present Cherokee country."

[2] Judging from the general tone of the newspaper press of the time. Even those newspapers which admitted the hardship bestowed on the natives by Jackson's reversal of the previous national policy took the position that their interests must be sacrificed in order to permit white progress.

[3] From the "Western Sun" of Vincennes, August 14, 1830. Reprinted by it from another and unnamed paper.

[4] At New Echota, the capital, July 11, 1830.

[5] From the "Western Sun," issue of August 7, 1830.

"To the Committee and Council, in General Council convened:

"Friends and Fellow Citizens:—The constituted authorities of Georgia having assumed the power to exercise sovereign jurisdiction over a large portion of our Territory, and our Political Father, the Chief Magistrate of the United States, having declared that he possesses no power to oppose or interfere with Georgia in this matter, our relations with the U. States are placed in a strange dilemma. The grave aspect of this picture calls for your calm and serious reflections. I have therefore deemed it my incumbent duty, on this extraordinary occasion, to convene the General Council of the Cherokee Nation.

"The prayers of our memorials before the Congress of the United States have not been answered. But it is edifying to know that numerous similar petitions from various sections of the United States have been presented in favor of our cause by a large portion of the most respectable class of the community, and that our rights have been ably vindicated in Congress by some of the most distinguished statesmen. But notwithstanding the unanswerable arguments which have been advanced under these appeals, there seems to have been a settled determination, by a small majority in Congress, to make further efforts to bring about a removal of all the Indians east of the Mississippi beyond that great river, by making the question a general one, and acting upon the principles of policy and expediency. The respective claims and rights of each tribe under existing treaties with the United States were viewed only as a secondary consideration. Consequently an act has been passed 'To provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.' The House of Representatives, however, by a very large majority, adopted this amendment, which has been accepted by the Senate, 'Provided that nothing in this act shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.'

"It is much to be regretted that we find in the reports of some of the acting agents of the general government and other designing and interested individuals that our true motives, disposition and condition have been grossly perverted and misrepresented. This may in part be attributed to a want of correct and full information upon the points of which they pretend to speak, and in some respects to an inclination to deceive the public with the view of effecting certain political ends.

"The fee simple title to the soil has been vainly asserted to be in the people of Georgia; and that state has arrogated to herself the power to exercise sovereign jurisdiction over us, and by legislative enactments has declared all our laws, ordinances, orders, regulations and usages to be null and void, and peremptorily demands submission to her proscriptive and oppressive laws under the most degrading circumstances. She has pointed to her jails, penitentiary and gallows for practicing obedience to our own laws, and independent of all our treaties with the United States and the acts of Congress which have been passed for the protection of our individual and national rights, the Chief Magistrate of the Union has warned us against any hope of interference on his part with Georgia in the exercise of this power; yet he says that such power as the laws give him, for our protection shall be executed for our benefit, and this will not fail to be exercised in keeping out intruders; beyond this he cannot go. An officer commanding a detachment of U. States' troops, who has been ordered into the nation, as it is said, for the purpose of removing intruders, has communicated to the Cherokees at the gold mines the following notice:

Passengers are requested to get out and walk, one Gent particularly objects.

167.—A frequent experience. But the Gent always got out sooner or later.

" 'An arrangement has been entered into by which there will be mutual assistance between the U. States' troops and the civil authority of Georgia in all civil processes, the jurisdiction of Georgia having been extended over the chartered limits, and all the natives are hereby advised to return to their homes[1] and submit to the proclamation of the state authority.'

(Signed) E. TRAINER, Lieut. Com'g.

" 'P. S. They cannot be supported any longer in anything inconsistent with the laws of the state.'

"Thus you will see that the rights and liberties of the Cherokee people are most grievously assailed.

"Our delegation[2] were authorized, if it should become necessary, to consult and employ counsel to defend our cause before the Supreme Court of the United States, in which tribunal, as the conservatory of the Constitution, treaties and laws of the Union, we can yet hope for justice, and to which we should fearlessly and firmly appeal. I would, therefore, recommend the expediency of passing a law authorizing some person to assert the rights of the Cherokee nation in all the courts of law and equity in the United States; also to address the President of the United States frankly, openly and respectfully on the subject of our unhappy situation, and request his paternal interference in all points as far as the treaties and laws of the United States acknowledge and secure to us our rights; until the controversy at issue with Georgia be decided by the Supreme Court of the United States.

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[1] Many of the Indians were digging gold at the mines discovered in their territory.

[2] The national delegation sent to Washington.

"I would further submit for your consideration the necessity of adopting some suitable and proper regulations for the observance of our citizens in working the gold mines of the nation and other valuable minerals, such as the public interest and peace and good order of society may seem to require.

"Confiding in the superintending care of a kind providence we should not despair, even should we for a season be plunged into the cells of Georgia's prisons. Means for our deliverance may yet be found. Let us not forget the circumstance related in Holy Writ, of the safe passage of the children of Israel through the crystal walls of the Red Sea and the fate of their wicked pursuers; let our faith in the unsearchable mysteries of an Omnipotent and all-wise Being be unshaken; for in the appearance of impossibilities there is still hope.

"NEW ECHOTA, C. N., July 11, 1830. JOHN ROSS."

The official messages, protests and other papers of the Indians[1] at this time were occasionally characterized in Caucasian state documents as "tricks of vulgar cunning" or "insults from the polluted lips of outcasts and vagabonds." But such instances were fortunately rare. Their strength and sincerity made it impossible to deal lightly with them, however great might be the opposition to the arguments and claims they advanced.

Meanwhile the Choctaw National Council had also met[2] to take action due to Mississippi's claim of jurisdiction over the nation and Jackson's endorsement of Missis-

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[1] Those of the Cherokees were printed in their newspaper, often in the English language. Some of the Cherokee state papers are also contained in the second edition of Armroyd's "Connected View of the Whole Internal Navigation of the United States. Philadelphia, 1830."

[2] On March 15, 1830.

168.—A stage-coach struck by a railway train and left on the roadside. Unsigned water-color sketch, perhaps made by an unhurt traveller, while sitting on a stump, as a memento of his journey. Date, about 1845.

sippi's position. The proceedings of the Choctaws have been preserved in a letter published in a number of newspapers at the time.[1] It reads:

"The National Council met on Monday the 15th day of March past, to determine the future course in this great crisis of their national existence.

"On the evening of the first day of the Council the Captains re-elected Greenwood Leflore Chief of the Western District without a dissenting voice. He was then carried in triumph through the Captains of the other districts and a large assembly of Warriors, his officers singing a hymn in their native language; they then prostrated themselves before the Eternal, when their Chief-elect closed the solemn scene by an affecting prayer in behalf of his nation.

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[1] Among them the Natchez (Miss.) "Galaxy" and Vincennes (Ind.) "Western Sun." The text as here given is from the "Western Sun" of May 8, 1830.

"On the forenoon of the second day of the Council (the 16th) the Chiefs of the other two districts came forward with their Captains and Warriors, resigned their several offices, and unanimously elected Greenwood Leflore the Chief of the whole nation. Then followed a pleasant season of rejoicings, and the exercises of the forenoon closed by their Chief-elect in solemn prayer in which the whole assembly united as with the heart of one man.

"In the afternoon the National Council was organized, and the important object of its call introduced by the Chief.

"The Chief presented a concise view of the difficulties of their situation, and the alternatives which were before them, and the necessity of immediate choice. The address of the Chief was followed by one from an aged warrior who had fought under General Jackson, and another from a warrior still older who fought under General Wayne.[1] The discussion continued to a late hour, when the vote being taken was found in favor of emigration.

"On the 17th articles of a treaty were prepared,[2] and on that night signed by the Chief, the two late Chiefs, the Captains, and two or three hundred principal warriors. . . .

"The Chief directed all his Captains to execute faithfully the laws of the nation, not in opposition to Mississippi, but with belief that Mississippi would not interfere when she discovered the Choctaws were endeavoring to get out of her way.

"The Chief expressed a determination not to emigrate with a poor, penniless and ruined people.

"Throughout the whole proceeding the spirit of brotherly kindness and fervent piety were evinced, and the full faith that the Great Spirit would be with them in their removal and bless them in their new home."

The Choctaws numbered not far from 20,000 souls, and then owned nearly one-third of Mississippi and some one thousand four hundred square miles of territory in Alabama. They asked about one million dollars for their eastern possessions, in addition to unimproved lands in the West.

When Jackson submitted the Choctaw proposals to the Senate,[3] he said:

"It will be seen that the pecuniary stipulations are large; and in bringing this subject to the consideration of the Senate I may be allowed to remark that the amount of money which may be secured to be paid should, in my judgment, be viewed as of minor importance. . . . The great desideratum is the removal of the Indians and the settlement of the perplexing question involved in their present location—a question in which several of the states of this Union have the deepest interest, and which, if left undecided much longer, may eventuate in serious injury to the Indians." [1]

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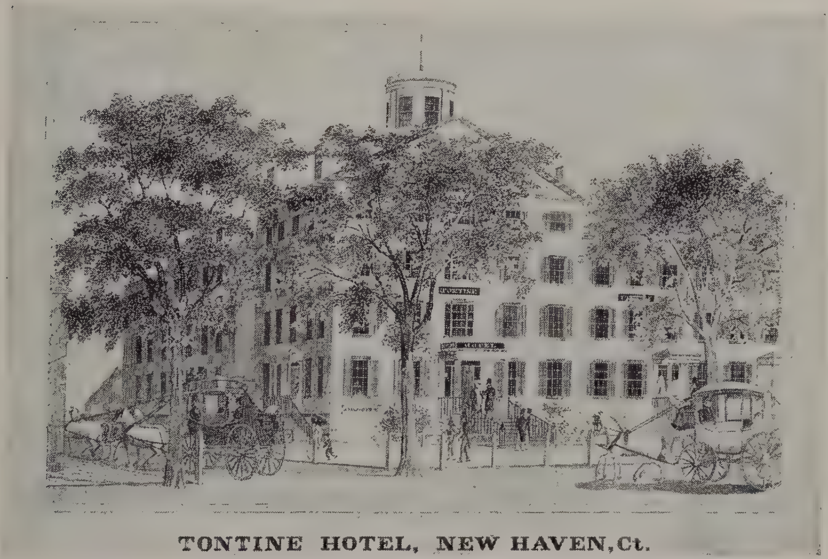
[1] Some of the southern Indians fought with the United States under Wayne against the northern red confederation in the struggle that broke the Indian power of the Northwest Territory.

[2] Not the treaty itself, but the Choctaw terms for a treaty.

[3] In a special message on May 6, 1830.

A treaty with the Choctaws was concluded later in the same year[2] by whose terms the nation ceded to the United States all their country east of the Mississippi. The United States, on its part, reaffirmed the nationality of the Choctaws which it had recently denied, acknowledged their civilized state and re-created, in the West, the same native conditions that had until then existed in the East.


TONTINE HOTEL, NEW HAVEN, Ct.

169.—Stages arriving and departing from a typical city tavern of the best sort. The large inns of the towns had begun to call themselves hotels.

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[1] Jackson's fear or expectation of white violence is indicated.

[2] September 27, 1830. As sent to the Senate by the President it contained a statement saying he could not protect the Choctaws from Mississippi laws. This was stricken out by the Senate, possibly because of Adams' recent successful protection of the Creeks from Georgia laws.

The principal paragraphs by which this state of affairs was brought about were:

> "Article IV. The Government and people of the United States are hereby obliged to secure to the Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no territory or state shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants; and that no part of the land granted to them shall ever be embraced in any Territory or State; but the United States shall forever secure such Choctaw Nation from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties and laws of the United States. . .
>
> "Article V. . . . No war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the United States unless it be in self defense against an open rebellion or against an enemy marching into their country, in which case they shall defend until the United States are advised thereof."[1]
>
> "Article XXII. The Chiefs of the Choctaws have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The Commissioners do not feel that they can under a treaty stipulation accede to the request, but at their desire present it in the Treaty, that Congress may consider of, and decide the application."

The condition of Choctaw society at this time may be understood from further treaty provisos in which they insisted on three churches in their new country; the erection of a national Council House; public schoolhouses for their children; $50,000 for school teachers' salaries; blacksmiths; a millwright; one thousand carding machines; the same number of spinning wheels; four hundred looms; a thousand plows; quantities of other agricultural implements; three tons of iron and six hundred pounds of steel annually for sixteen years; and the educa-

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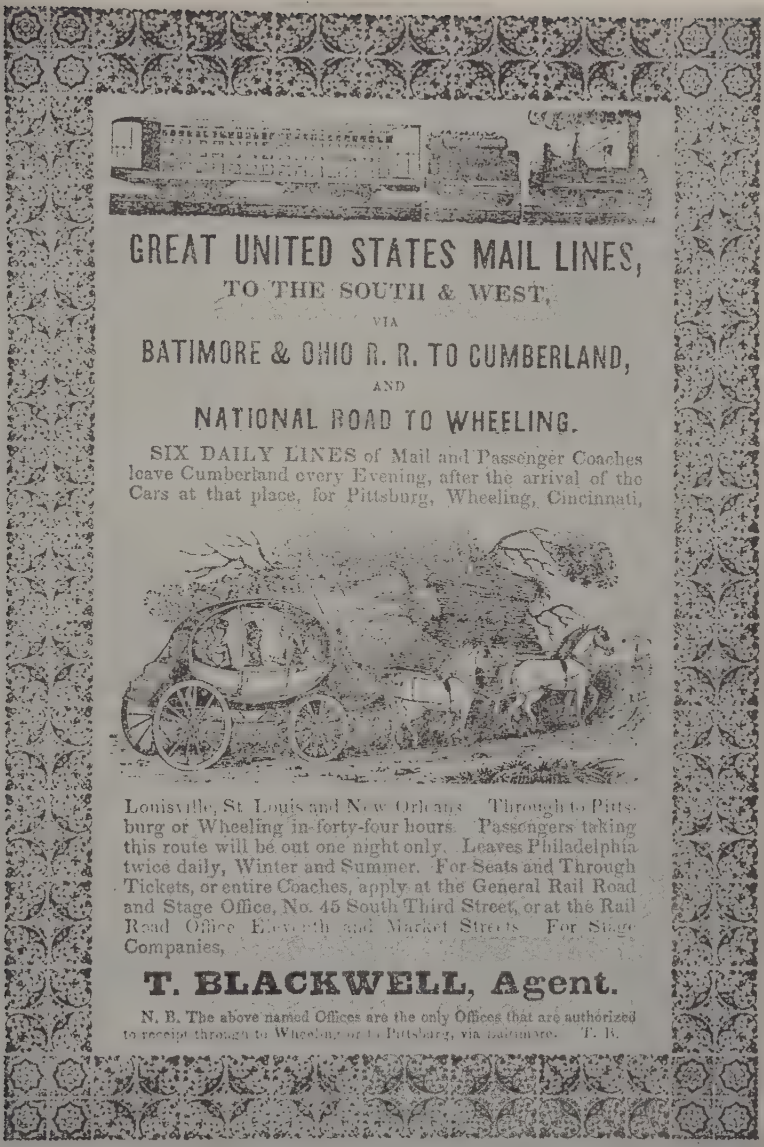
[1] Treaty clauses like these do much to explain the later action of many of the transplanted Indians and tribes native to the West when the whites began their march across the plains toward the Pacific. The whites sometimes comported themselves as enemies or invaders during the western migrations, and the Indians believed, in view of such treaties, that they were defending themselves and their territories.



GREAT UNITED STATES MAIL LINES,

TO THE SOUTH & WEST,

VIA

BATIMORE & OHIO R. R. TO CUMBERLAND,

AND

NATIONAL ROAD TO WHEELING.

SIX DAILY LINES of Mail and Passenger Coaches leave Cumberland every Evening, after the arrival of the Cars at that place, for Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis and New Orleans. Through to Pittsburg or Wheeling in forty-four hours. Passengers taking this route will be out one night only. Leaves Philadelphia twice daily, Winter and Summer. For Seats and Through Tickets, or entire Coaches, apply at the General Rail Road and Stage Office, No. 45 South Third Street, or at the Rail Road Office Eleventh and Market Streets. For Stage Companies, [illegible]

T. BLACKWELL, Agent.

N. B. The above named Offices are the only Offices that are authorized to receipt through to Wheeling or to Pittsburg, via Baltimore. T. B.

170.—A route to the Middle West in 1852. Advertisement showing the coöperation of stage-coaches and railways. The Baltimore and Ohio road had been opened to Cumberland, and by taking a coach at that town a traveller from the East might reach Pittsburgh in 44 hours. Thence, by stage, he could continue to Cincinnati in about three days more, or to St. Louis in about seven days.

tion of forty selected Choctaw youths each year in Caucasian institutions.[1]

All efforts designed to persuade the Chickasaws into migration having failed, President Jackson journeyed in person to meet them and discuss the question. That nation had for some years suffered much annoyance from white intrusion and cheating, and being desirous of escape from those troubles had expressed a willingness, under certain stated conditions, to give up its possessions in Mississippi and Alabama. The terms under which it would consent to retire westward had been named in an address issued in 1827,[2] and the chief provisions therein contained were these:

> ". . . As you have pointed us out a country on the north of the State of Missouri, . . . and speak well of it, we agree, first and foremost, to go and look at it, and any other country that we may choose. When twelve of our people—three from each district—have examined it, assisted by a scientific doctor to see to our health, and by three good white men to be selected by ourselves, and three of your men of science from Washington or elsewhere—we say, when we have examined it; if we like it, if its soil is good and well wooded, if water is plenty and good, we will agree to exchange, acre for acre: provided you on your part will mark out the country and divide it into counties, and leave a place in the center for a seat of government, and then drive everybody off of it, and guaranty it to us for ever; and, as soon as may be, divide it for us into farms; . . . and provided also, that in addition you examine our houses, and mills, and fences, and our work-shops here; also our orchards, and build and put up and plant as good there, at such places within the territory as we may choose; also, provided you count our stocks here, and put an equal number, and of each kind, within their respective owners' limits there; also, provided you establish schools in all the counties sufficient for the education of our children

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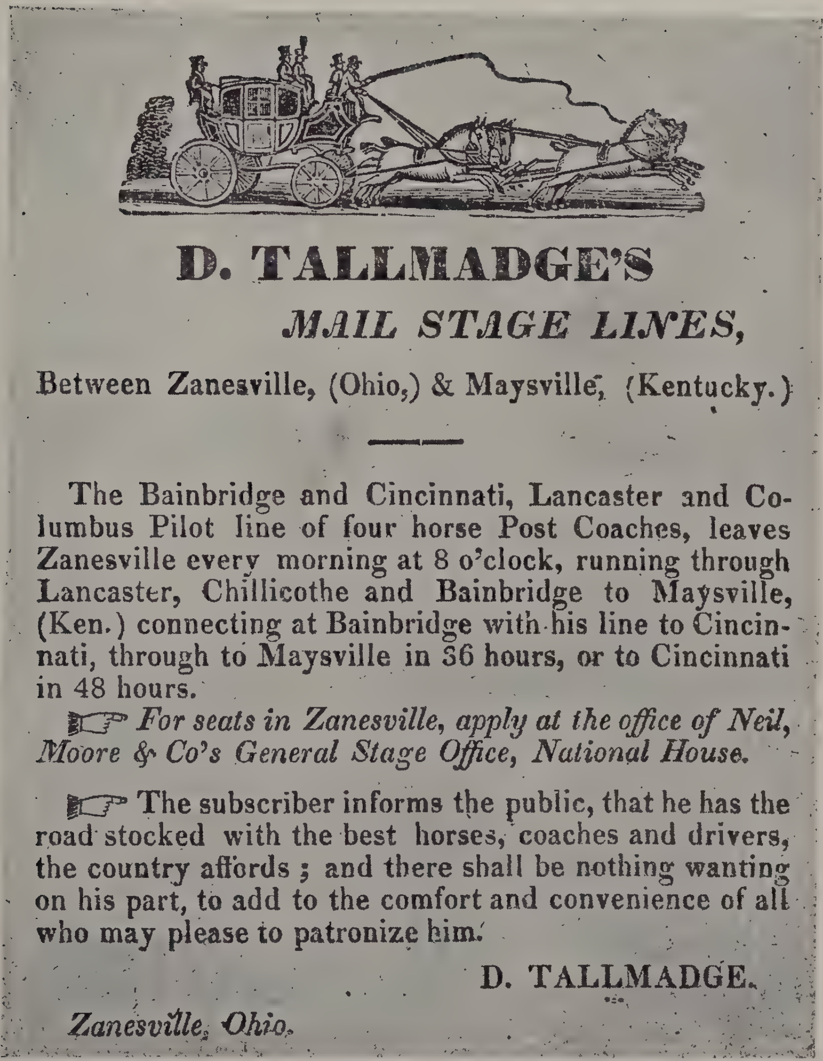
[1] In the annual Executive message to the Cherokee National Council in 1828 it was stated that to each Cherokee citizen consenting to remove west of the Mississippi the United States had offered "a bounty consisting of a rifle gun, a blanket, a steel trap, a brass kettle and five pounds of tobacco." In commenting on this proposition the message said: "Such are the temptations offered to induce us to leave our friends, our relatives, our houses, our cultivated farms, our country, and everything endeared to us by the progress of civilization." The offer was described as a "burlesque." It was made about three years after the Cherokee civilization was reported to the Secretary of War by Commissioner McKenney.

[2] On October 9. The Chickasaw statement was incorporated by Armroyd in his "Connected View of the Whole Internal Navigation of the United States. Second Edition. Phila., 1830": pp. 516-8, from which the extracts here given are quoted.



D. TALLMADGE'S

MAIL STAGE LINES,

Between Zanesville, (Ohio,) & Maysville, (Kentucky.)

The Bainbridge and Cincinnati, Lancaster and Columbus Pilot line of four horse Post Coaches, leaves Zanesville every morning at 8 o'clock, running through Lancaster, Chillicothe and Bainbridge to Maysville, (Ken.) connecting at Bainbridge with his line to Cincinnati, through to Maysville in 36 hours, or to Cincinnati in 48 hours.

☞ *For seats in Zanesville, apply at the office of Neil, Moore & Co's General Stage Office, National House.*

☞ The subscriber informs the public, that he has the road stocked with the best horses, coaches and drivers, the country affords; and there shall be nothing wanting on his part, to add to the comfort and convenience of all who may please to patronize him.

D. TALLMADGE.

Zanesville, Ohio.

171.—Stages were running through Ohio for twenty-five years before railroads crossed the state, and primitive stage wagons had appeared on the same roads as early as 1808. The line advertised by Tallmadge, in 1837, ran its vehicles over the road originally called Zane's Trace. According to the schedule here given the traveller was carried about two-thirds of the distance across Ohio in two days. One of the principal overland routes to Cincinnati and Louisville before the days of the locomotive.

and to teach our girls how to spin and manage household affairs; and provided, also, you send a sufficient force there to ensure our protection, and organize our people into companies like your militia; . . . and provided that you establish a government over us in all respects like one of your territories, Michigan, for example, and give the right of suffrage to our people as they shall be prepared, by education, to vote and act; and allow us after the territory is organized a delegate like your territories enjoy, in Congress: . . . give us the privileges of men . . . and we will treat for exchange upon the above basis.

"Should our offer not be accepted, then we are done. We hope to be let alone where we are, and that your people will be made to treat us like men and Christians, and not like dogs. We tell you, now, we want to make our children men and women, and to raise them as high as yours in privileges . . .

"Understand nothing is done unless the country we go to look at suits, and not then unless all we require is agreed to on your part. . ."

At the time the Chickasaws made the statement of their wishes and future hopes they were again on the up-grade with regard to numbers, having increased in population to the extent of about four hundred souls during the previous five or six years.[1] They lived in eight hundred houses of an average cost of a hundred and fifty dollars each, though some of their dwellings were worth from a thousand to two thousand dollars. Most of the native farm properties had barns, corn-cribs and other out-buildings. The nation also possessed ten mills, about fifty mechanical workshops of various sorts and a few orchards. Their live stock averaged two horses, two cows, five hogs and a flock of chickens to each householder. The total value of their stock, in that era of cheap prices, was about eighty-four thousand dollars. The value of the fences they had built around their farms was fifty thousand dollars.[2]

They maintained taverns and ferries along the roads granted by them for the privilege of white travel through their territories, and, like the Cherokees and Choctaws, exported a part of their agricultural produce and domestic manufactures to neighboring white states.

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[1] As reported to Secretary of War Barbour by Indian Agent McKenney in his communication of October 10, 1827.

[2] This summary of Chickasaw affairs in 1827 is condensed from McKenney's reports. For further information dealing with the same nation's condition in 1830—the year of Jackson's visit to them—see "Report of John L. Allen, United States Sub-Agent among the Chickasaws. February 7, 1830."

President Jackson went in person to see these men, and spoke thus to them:[1]

> "Friends and Brothers: Your great father is rejoiced once more to meet, and to have it in his power to assure you of his continued friendship and good-will . . .
>
> "By a communication from your elder brethren and neighbors, the Choctaws, during the last winter, your great father learned that in consequence of the laws of Mississippi being extended over them, they were in great alarm; and of their own free will, and without any application from him, they asked to leave their country and retire across the Mississippi river . . .
>
> "By an act of Congress it was placed in his power to extend justice to the Indians . . . and to give them a grant for lands which should endure 'as long as the grass grows or water runs.' A determination was taken immediately to advise his red children of the means which were thus placed at his disposal to render them happy and preserve them as a nation. It was for this that he asked his Chickasaw and other friends to meet him here.[2] You have come, and your great father rejoices to tell you through his Commissioners the truth, and point you to a course which cannot fail to make you a happy and prosperous people. Hear and deliberate well on what he shall say, and under the exercise of your own reason and matured judgment, determine what may appear to you best to be done for the benefit of yourselves and your children.
>
> Brothers: You have long dwelt upon the soil you occupy, and in early times before the white man kindled his fires too near to yours, and by settling around, narrowed down the limits of your chase, you were, though uninstructed, yet a happy people. Now your white brothers are around you. States have been erected within your ancient limits,[3] which claim a right to govern and control your people as they do their own citizens, and to make them answerable to their civil and criminal codes.

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[1] At Franklin, Tennessee, where the Delegates of the nation met him on August 23, 1830. The speech is not contained in biographies of Jackson, in Cushman's "History of the Choctaw, Chickasaw and Natchez Indians," or in other works on the southern tribes. The text as here given is that contained in the "Western Sun" of September 25, 1830, by which it was reprinted from the "Nashville Republican."

[2] The Choctaws refused to attend the meeting because of differences over the question of emigrating.

[3] In addressing the white Congress, a few months before, he had spoken of new Indian states whose erection had been attempted in Caucasian commonwealths.

Your great father has not the power to prevent this state of things,[1] and he now asks if you are prepared and ready to submit yourselves to the laws of Mississippi, and make a surrender of your ancient laws and customs, and peaceably and quietly live under those of the white man?

"Brothers, listen—The laws to which you must be subjected are not oppressive, for they are those to which your white brothers conform and are happy. Under them you will not be permitted to seek private revenge, but in all cases where wrong may be done you are through them to seek redress. No taxes upon yourselves, except such as may be imposed upon a white brother, will be assessed against you. The courts will be open for the redress of wrongs; and bad men will be made answerable for whatever crimes or misdemeanors may be committed by any of your people, or our own.

"Brothers, listen—To these laws, where you are, you must submit—there is no preventive—no other alternative. Your great father cannot, nor can Congress, prevent it. The states alone can. Do you believe that you can live under those laws? That you can surrender all your ancient habits, and the forms by which you have been so long controlled? If so, your great father has nothing to say or advise. He has only to express a hope that you may find happiness in the determination you shall make, whatever it may be. His earnest desire is, that you may be perpetuated and preserved as a nation; and this he believes can only be done and secured by your consent to remove to a country beyond the Mississippi, which for the happiness of our red friends was laid out by the government a long time since, and to which it was expected ere this they would have gone. Where you are, it is not possible you could ever live contented and happy. Besides the laws of Mississippi which must operate upon you, and which your great father cannot prevent, white men continually intruding are with difficulty kept off your lands, and difficulties continue to increase around you.

"Brothers—The law of Congress usually called the 'Intercourse Act' has been resorted to to afford relief, but in many instances has failed of success. Our white population has so extended around in every direction that difficulties and troubles are to be expected. Cannot this state of things be prevented? Your firm determination can only do it.

"Brothers, listen—There is no unkindness in the offers made to you. No intention or wish is had to force you from your lands, but rather to intimate to you what is for your own interest. The attachment you feel for the soil which covers the bones of your ancestors is well known. Our forefathers had the same feelings when a long time ago, to obtain happiness, they left their lands beyond the great waters and sought a new and quiet home in distant and unexplored regions. If they had not done so, where would have been their children and the prosperity they enjoy? The old world would scarcely have afforded support for a people who, by the change their fathers made, have become prosperous and happy. In future time so will it be with your children. Old men! Arouse to energy and lead your children to a land of promise and of peace before the Great Spirit shall call you to die. Young chiefs! Forget the prejudices you feel for the soil of your birth, and go to a land where you can preserve your people and nation. Peace invites you there —annoyance will be left behind—within your limits no state or territorial authority will be permitted.[1] Intruders, traders, and above all, ardent spirits so destructive to health and morals will be kept from among you, only as the laws and ordinances of your nation[2] may sanction their admission. And that the weak may not be assailed by their stronger and more powerful neighbors, care shall be taken and stipulations made that the United States, by arms if necessary, will preserve and maintain peace amongst the tribes, and guard them from the assaults of enemies of every kind, whether white or red.[3]

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[1] Since the previous May the President and his administration had been negotiating the Choctaw treaty above quoted (and which was signed thirty-five days after this speech), wherein the United States guaranteed to protect the Choctaws in future against the state of things complained of by the southern nations and here described to the Chickasaws as being beyond the power of government to prevent.

"Brothers, listen—These things are for your serious consideration, and it behooves you well to think of them. The present is the time you are asked to do so. Reject the opportunity which is now offered to obtain comfortable homes, and the time may soon pass away, when such advantages as are now within your reach may not again be presented. If from the course you now pursue this shall be the case, then call not upon your great father hereafter to relieve you of your troubles, but make up your minds conclusively to remain upon the lands you now occupy, and be subject to the laws of the state where you now reside to the same extent that her own citizens are. In a few years becoming amalgamated with the whites, your national character will be lost, and then like other tribes who have gone before you, you must disappear and be forgotten.

"Brothers—If you are disposed to remove, say so, and state the terms you may consider just and equitable. Your great father is ready and has instructed his commissioners to admit such as shall be considered liberal, to the extent that he can calculate the Senate of the United

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[1] Seemingly a contraction of his introductory statement that conflict between Indian independence and state authority could not be avoided. If it could not be prevented in the East, could it later be escaped in the West, as promised, where white settlements were already appearing beyond the Mississippi? In the East the states of Alabama and Missisippi had been erected to embrace part of the pre-existent Chickasaw sovereignty, and a similar process might not unreasonably be expected to occur in future beyond the great river.

[2] The nationality and right of self-government of the Chickasaws seems to be taken for granted.

[3] Existing treaties and laws—recently used with success by J. Q. Adams—already provided for the military protection of the red nations as here discussed by the President. Jackson had withdrawn Federal military protection from the southern red nations. In the case of the Cherokees this action had been taken at the request of the Governor of Georgia after that state had asserted jurisdiction over the Cherokee territories.

States will sanction. Terms of any other character it would be useless for you to insist upon, as without their consent and approval no arrangement to be made could prove effectual. Should you determine to remain where you are, candidly say so, and let us be done with the subject, no more to be talked of again. But if disposed to consult your true interests and to remove, then present the terms on which you are willing to do so to my friends, the Secretary of War and General John Coffee, who are authorized to confer with you, and who in the arrangements to be made will act candidly, fairly and liberally toward you."

CHAPTER XXVIII

THE CHICKASAWS YIELD — JACKSON'S GRATIFICATION AND THE METHOD OF ITS EXPRESSION — NEW DANGERS ARISE TO THREATEN THE PRESIDENT'S INDIAN POLICY — GEORGIA DEFIES THE FEDERAL GOVERNMENT AND JACKSON PERMITS THE NULLIFICATION—THE CHEROKEES ATTEMPT TO CARRY THEIR CASE TO THE SUPREME COURT AS A FOREIGN NATION—THE COURT DECLARES IT HAS NO JURISDICTION—ITS REASON FOR THE DECISION—UNEXPECTED EVENTS RESULT IN A SECOND JUDGMENT WHICH GIVES THE CHEROKEE REPUBLIC EQUAL RANK WITH OTHER NATIONS, PRONOUNCES IT INDEPENDENT OF UNITED STATES LAW AND CONDEMNS GEORGIA — JACKSON'S CONTRADICTORY ATTITUDES AND THEIR SIGNIFICANCE

GENERAL JACKSON'S picture of future freedom wrought its effect, and four days later the Chickasaw nation decided to give up its country in exchange for the promised liberty. Fear of civil war was considerably reduced, and the unification of white territory east of the Mississippi was apparently in sight. Jackson's relief at the success of his plans was shown in his annual message at the close of the year.[1] In that utterance he returned to the former Caucasian attitude of self-laudation, and again affirmed the philanthropy, benevolence and generosity of the government. He also said that peril of civil conflict had existed as a consequence of conditions in the South, and drew attention to the consolidation of the national domain resulting from the success of the government's bloodless conquest. His argument in behalf of the Administration's action was put in the following terms:

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[1] December 6, 1830.

"It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

"The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier. . . It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized and Christian community. . .

"Toward the aborigines of the country none can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits. . . . [1]

"With a full understanding of the subject, the Choctaw and Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. . . In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the western forests to sub-

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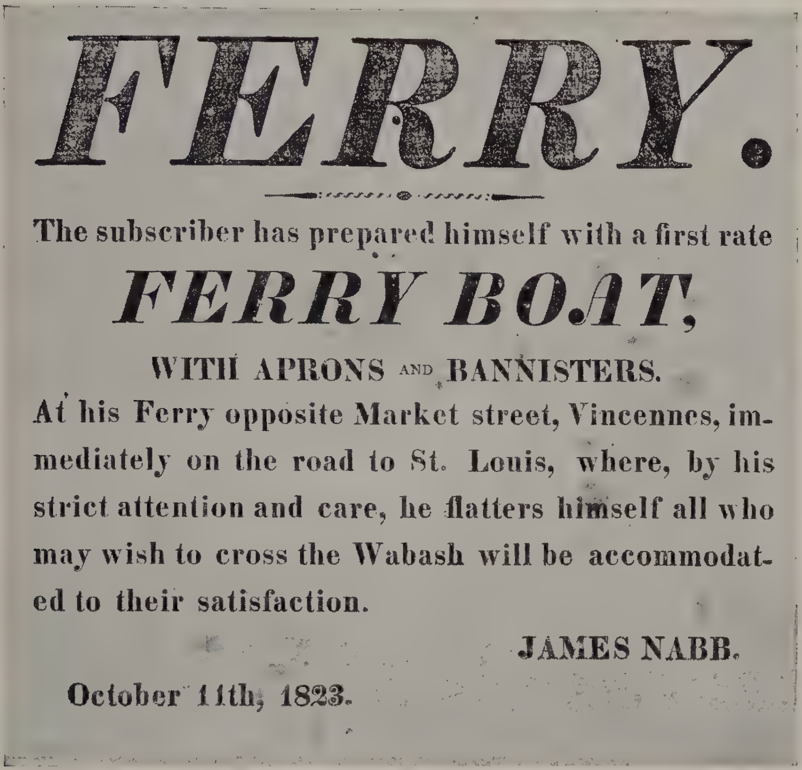
[1] In view of his recent effort to uproot the settled and prosperous Chickasaws, the declaration is little less than extraordinary.



FERRY.

The subscriber has prepared himself with a first rate

FERRY BOAT,

WITH APRONS AND BANNISTERS.

At his Ferry opposite Market street, Vincennes, immediately on the road to St. Louis, where, by his strict attention and care, he flatters himself all who may wish to cross the Wabash will be accommodated to their satisfaction.

JAMES NABB.

October 11th, 1823.

172.—Broadside issued by a ferry-boat owner on the mail stage road from Louisville to St. Louis, during the early years of periodic overland travel in the Mississippi valley. A line of stage wagons between the two cities named, and running through Vincennes, had been established in 1821. The stage-coach trip on this first periodic line of the interior required five days.

mitting to the laws of the States in which they now reside.[1] These treaties, being probably the last which will ever be made with them, are characterized by a great liberality on the part of the Government. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconvenience and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

"Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested. . . But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. . . Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization and religion?

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[1] The embarrassment of the government was such that a consistent statement was seemingly impossible.

"The present policy of the Government is but a continuation of the same progressive change by a milder process. . . The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange. . . Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing?[1] To better their condition in an unknown land our forefathers left all that was dear in earthly objects. . . Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. . . Can it be cruel in this Government when, by events which it cannot control, the Indian is made discontented in his ancient home? . . .

"And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children. Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement. . .

"No act of the General Government has ever been deemed necessary to give the State jurisdiction over the person of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indians lands; nor can this Government add to or diminish it.

"May we not hope, therefore, that all good citizens, and none more jealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened."

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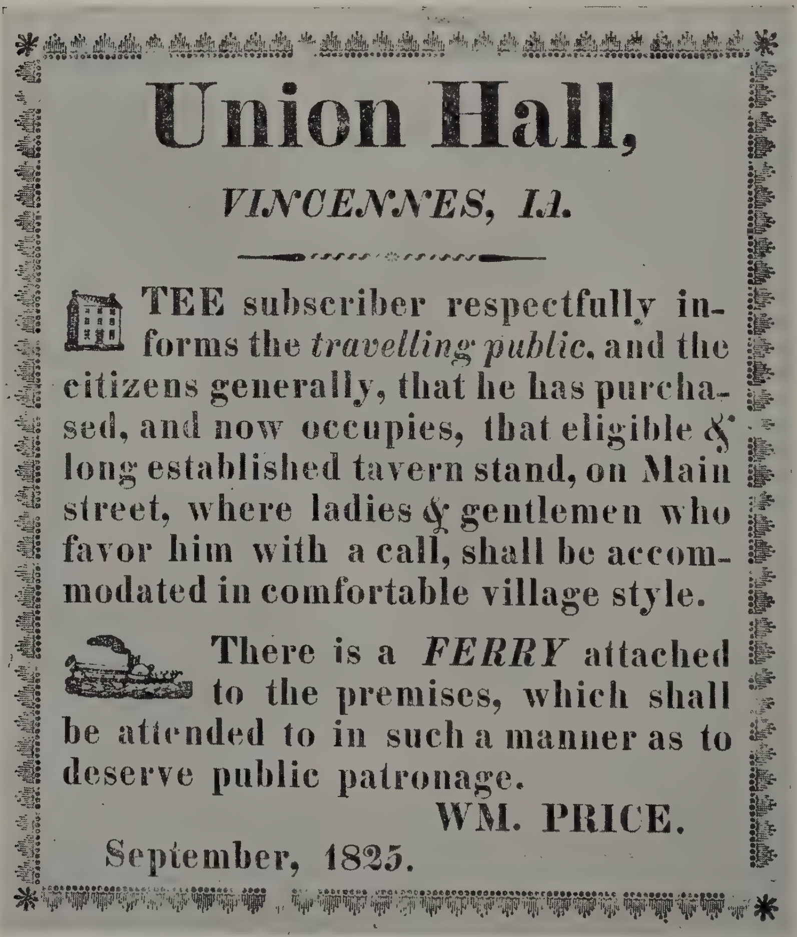
[1] One group of humanity mentioned was willingly moving toward a wider dominion; the other unwillingly moving toward a lesser.

The use of such expressions as "wandering savages," "children of the forest" and "savage hunters," in describing the Indians east of the Mississippi—and especially the southern nations — during the period just discussed, was a habit of many whites in official position. Judging from an examination of governmental contemporary evidence set down by those who had knowledge derived from personal observation, examples of which have been presented, those terms did not fit the peoples to whom they were applied. Nor is it easy to believe that Presidents, Cabinet Ministers and other men in high place, with such evidence at their command, could have remained so uninformed of the condition and aspirations of the southern red nations as thus to characterize them with honest error. It seems more probable, in view of what was taking place, that the systematic use of such expressions was part of a method used to spread abroad a general misapprehension of the Indians in the minds of those who did not have personal knowledge of the facts, and so make it easier to overcome the natives by diplomacy without the necessity of combating any serious public sentiment opposed to the process in hand. The overwhelming preponderance of public opinion was then, as always before, against the natives, and it was obviously to the advantage of the administration that it should so continue. In his annual message just quoted, Jackson discussed the relationship of popular opinion to his actions in these words:

> "I know of no tribunal to which a public man in this country, in a case of doubt or difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily in the discharge of my official duties be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform as far as I can to the views of those for whom I act."



Union Hall,

VINCENNES, IA.

TEE subscriber respectfully informs the *travelling public*, and the citizens generally, that he has purchased, and now occupies, that eligible & long established tavern stand, on Main street, where ladies & gentlemen who favor him with a call, shall be accommodated in comfortable village style.

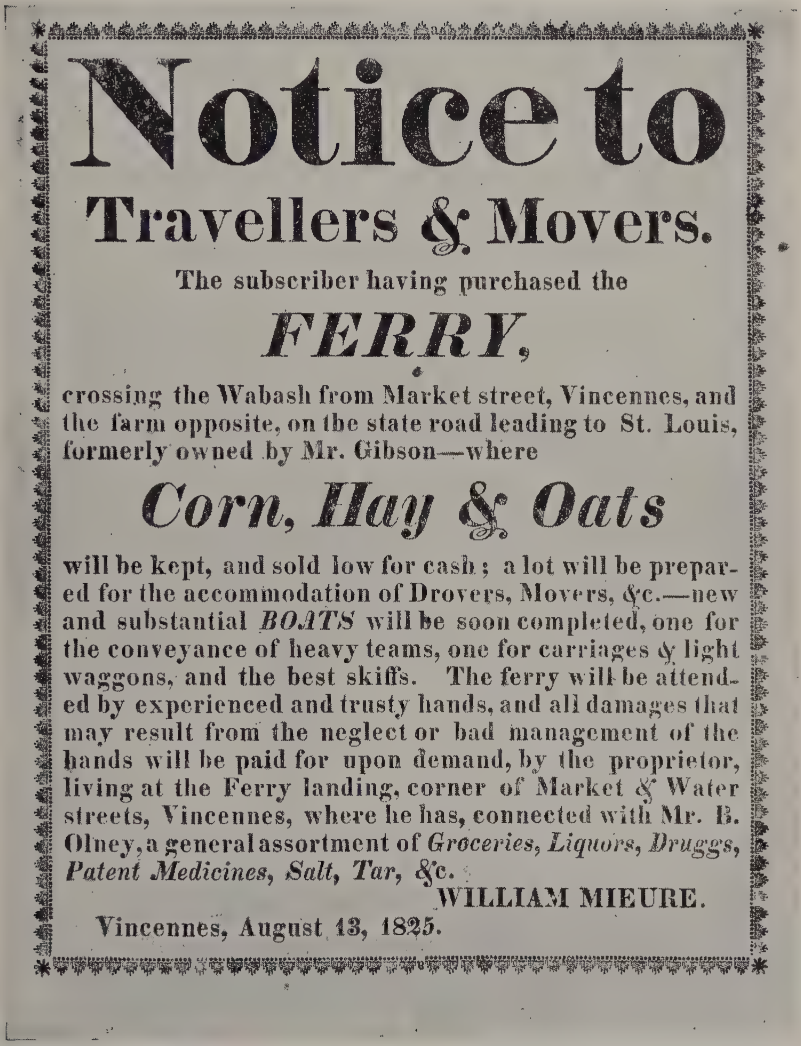
There is a *FERRY* attached to the premises, which shall be attended to in such a manner as to deserve public patronage.

WM. PRICE.

September, 1825.

173.—A broadside address to travellers circulated by a tavern keeper on the Louisville-St. Louis stage road in 1825.

These are laudable sentiments for an Executive provided he does not mislead the people by distorting circumstances at issue in accordance with his own desire and thus foster an erroneous popular judgment which will uphold him in his chosen course, and to which he can



Notice to

Travellers & Movers.

The subscriber having purchased the

FERRY,

crossing the Wabash from Market street, Vincennes, and the farm opposite, on the state road leading to St. Louis, formerly owned by Mr. Gibson—where

Corn, Hay & Oats

will be kept, and sold low for cash; a lot will be prepared for the accommodation of Drovers, Movers, &c.—new and substantial *BOATS* will be soon completed, one for the conveyance of heavy teams, one for carriages & light waggons, and the best skiffs. The ferry will be attended by experienced and trusty hands, and all damages that may result from the neglect or bad management of the hands will be paid for upon demand, by the proprietor, living at the Ferry landing, corner of Market & Water streets, Vincennes, where he has, connected with Mr. B. Olney, a general assortment of *Groceries, Liquors, Druggs, Patent Medicines, Salt, Tar, &c.*

WILLIAM MIEURE.

Vincennes, August 13, 1825.

174.—Another broadside circulated by a ferry owner on the same road, appealing for the patronage of the travelling public. From the information contained in the hand-bill it is apparent that a considerable traffic, of diversified character, was moving over the highway.

then point as the mandate of those for whom he acts. Such a procedure was easier in those days than it now is, and was sometimes resorted to. Whether or not it was undertaken during the years under review, in connection with the grave crisis then attending the Indian question, is a matter of opinion and a debatable question. Certain it is, however, that Jackson's message of 1830 — in so far as it dealt with native character, conditions and progress — was a collection of sophistries, misleading suggestions and erroneous declarations in contradiction of official information gathered by the government during the period of ten years just preceding.

The foundation of Jackson's attitude toward the Indian question lay in the assumption — as voiced by him in the message of 1830 — that no act of the general government was necessary to give a state jurisdiction over the persons and territories of the Indians; that individual states possessed such power even before the acquisition of native lands; and that the general government could neither add to nor increase such power. He had made public utterance of his opinion in that respect before his election to the Presidency, and when vested with Executive duty he proceeded to act in accordance therewith, although he could scarcely have been unaware that his attitude was in conflict with both principle and practise as laid down and adopted by the executive, legislative and judicial departments of the government from its organization.

From two of those departments he had nothing to fear in carrying out his program. He himself was Chief Executive, and the Congress displayed general complaisance with the essential feature of his policy, which was to force Indian evacuation of the East through a denial of native independence.[1] The only visible snag on which his plan might founder was a possible attitude by the judiciary which would emphasize his constitutional duty to uphold native rights, in some specific case, against the newly advanced contention of the southern states and himself. Such a possibility had indeed been in sight for nearly a year, for the Cherokees had entered on a course of action having for its ultimate purpose a test of their position before the United States Supreme Court. And unequivocal as were Jackson's declarations regarding state jurisdiction over the Indians, his personal journey to Tennessee in company with the Minister of War, in an effort to persuade the Chickasaws and Choctaws to a policy of emigration in advance of any legal pronouncement on native sovereignty lends some weight to an inference that he was not altogether easy in mind concerning the outcome of the impending judgment, and wished to commit as many red nations as possible to his policy before an unappealable verdict was handed down.

But an unexpected event forced the President to reveal his ultimate attitude even before the case of the Cherokees was decided. In June of 1830 Georgia had asserted that she possessed title to all Indian lands within her newly claimed jurisdiction, and soon afterward she forbid the natives to mine the gold lately discovered in their territories. These acts were followed by another order to survey certain Indian lands. Some of the Indian improvements were seized, and arrangements were made to distribute Cherokee lands among

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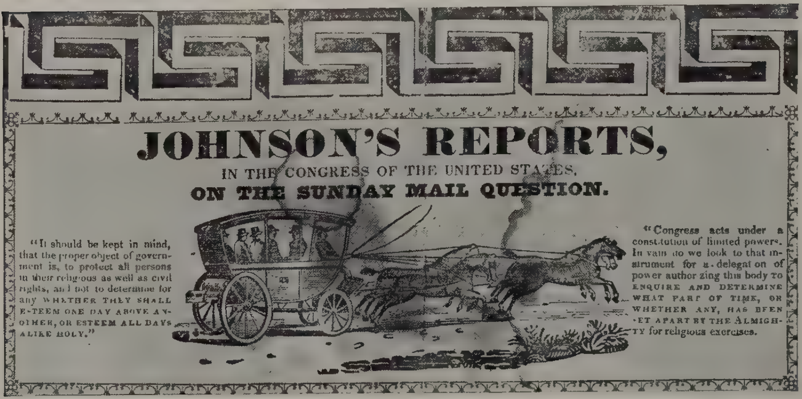
[1] This definition, however, does not precisely fit Jackson's attitude, which, in fact, is apparently impossible of exact definition. It has been seen that he refused to acknowledge native independence if the Indians remained in the East, while at the same time he acknowledged it and pledged its continuance in perpetuity if they removed to the West.



JOHNSON'S REPORTS,

IN THE CONGRESS OF THE UNITED STATES,

ON THE SUNDAY MAIL QUESTION.

"It should be kept in mind, that the proper object of government is, to protect all persons in their religious as well as civil rights, and not to determine for any WHETHER THEY SHALL ESTEEM ONE DAY ABOVE ANOTHER, OR ESTEEM ALL DAYS ALIKE HOLY."

"Congress acts under a constitution of limited powers. In vain do we look to that instrument for a delegation of power authorizing this body TO ENQUIRE AND DETERMINE WHAT PART OF TIME, OR WHETHER ANY, HAS BEEN SET APART BY THE ALMIGHTY for religious exercises.

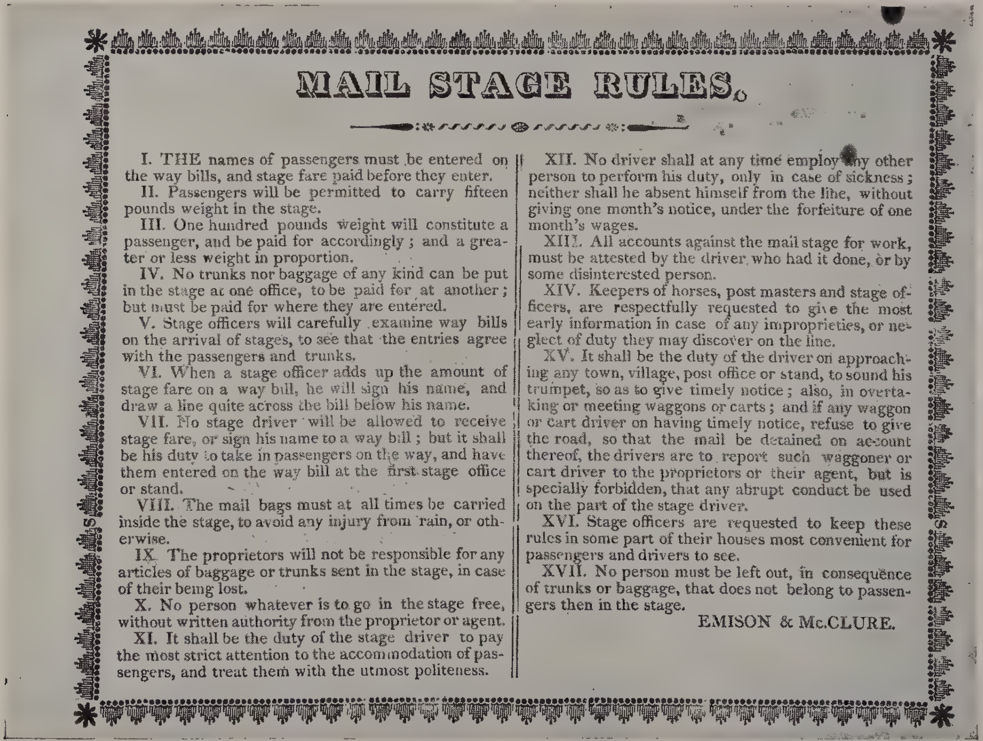
175.—Many of the stages or stage wagons first operated in the interior bore resemblance to the vehicle here depicted. They constituted an intermediate form between the earlier stage wagon of the East and the Concord type that afterward replaced them. Title of the large broadside containing the Congressional committee reports which determined the Federal government's attitude toward Sunday travel. Issued in 1829.

the whites by lottery. In the midst of the disorders brought about by these procedures a Cherokee named Tassel, while resisting the execution of Georgia law in Cherokee territory, killed a man. Tassel was taken into custody by Georgia, convicted of murder by a state court[1] and sentenced to death. The Cherokee nation appeared before the Supreme Court of the United States in protest against these proceedings, and a writ of error issued from that tribunal commanding Georgia, in the person of its Governor, to appear and answer for having unlawfully arrested and condemned a Cherokee citizen.

On receipt of this mandate Governor Gilmer of Georgia sent a message[2] to the legislature saying he had received a document "purporting to be signed by the Chief Justice of the United States," and declaring that "orders received from the Supreme Court for the purpose of staying, or in any manner interfering with the decisions

[1] The Superior Court of Hall county.

[2] December 22, 1830.



MAIL STAGE RULES.

I. THE names of passengers must be entered on the way bills, and stage fare paid before they enter.

II. Passengers will be permitted to carry fifteen pounds weight in the stage.

III. One hundred pounds weight will constitute a passenger, and be paid for accordingly; and a greater or less weight in proportion.

IV. No trunks nor baggage of any kind can be put in the stage at one office, to be paid for at another; but must be paid for where they are entered.

V. Stage officers will carefully examine way bills on the arrival of stages, to see that the entries agree with the passengers and trunks.

VI. When a stage officer adds up the amount of stage fare on a way bill, he will sign his name, and draw a line quite across the bill below his name.

VII. No stage driver will be allowed to receive stage fare, or sign his name to a way bill; but it shall be his duty to take in passengers on the way, and have them entered on the way bill at the first stage office or stand.

VIII. The mail bags must at all times be carried inside the stage, to avoid any injury from rain, or otherwise.

IX. The proprietors will not be responsible for any articles of baggage or trunks sent in the stage, in case of their being lost.

X. No person whatever is to go in the stage free, without written authority from the proprietor or agent.

XI. It shall be the duty of the stage driver to pay the most strict attention to the accommodation of passengers, and treat them with the utmost politeness.

XII. No driver shall at any time employ any other person to perform his duty, only in case of sickness; neither shall he absent himself from the line, without giving one month's notice, under the forfeiture of one month's wages.

XIII. All accounts against the mail stage for work, must be attested by the driver who had it done, or by some disinterested person.

XIV. Keepers of horses, post masters and stage officers, are respectfully requested to give the most early information in case of any improprieties, or neglect of duty they may discover on the line.

XV. It shall be the duty of the driver on approaching any town, village, post office or stand, to sound his trumpet, so as to give timely notice; also, in overtaking or meeting waggons or carts; and if any waggon or cart driver on having timely notice, refuse to give the road, so that the mail be detained on account thereof, the drivers are to report such waggoner or cart driver to the proprietors or their agent, but is specially forbidden, that any abrupt conduct be used on the part of the stage driver.

XVI. Stage officers are requested to keep these rules in some part of their houses most convenient for passengers and drivers to see.

XVII. No person must be left out, in consequence of trunks or baggage, that does not belong to passengers then in the stage.

EMISON & Mc.CLURE.

176.—Broadside containing the rules of a stage-coach company operating on the Louisville-St. Louis road about 1825-1827. According to Rule No. III a passenger weighing two hundred pounds had to buy two tickets. Similar sets of rules were printed by all stage companies, and copies of the placards were displayed in the offices and given to passengers.

of the courts of the state, in the exercise of their constitutional jurisdiction, will be disregarded and any attempt to enforce such orders will be resisted with whatever force the laws have placed at my command."

The state legislature passed a resolution in which the Governor and all other officers of the state were enjoined "to disregard any and every mandate and process that has been or shall be served upon him or them, purporting to proceed from the Chief Justice or any Associate Justice of the Supreme Court of the United States," and the Governor was "authorized and required, with all the force and means placed at his command by the Constitution and laws of this state, to resist and repel any and every invasion from whatever quarter upon the administration of the criminal laws of this State."

Tassel was hanged, and the issue of nullification of supreme Federal authority by an individual state was thus unexpectedly confronted by Jackson. The President did nothing.[1]

Georgia was served by the Cherokee nation in December of 1830 with notice of a motion for an injunction restraining the state from enforcing its recent laws within the native possessions. The motion came before the Supreme Court on March 5, 1831, the plaintiff appearing under that section of the Constitution giving foreign and sovereign nations the right to make such an appeal. Chief Justice Marshall handed down the decision of the Court, and the essential substance of its majority finding is embraced in the following extracts from his opinion:[2]

" . . So much of the argument as was intended to prove the character of the Cherokees as a State, as a distinct political society, separated

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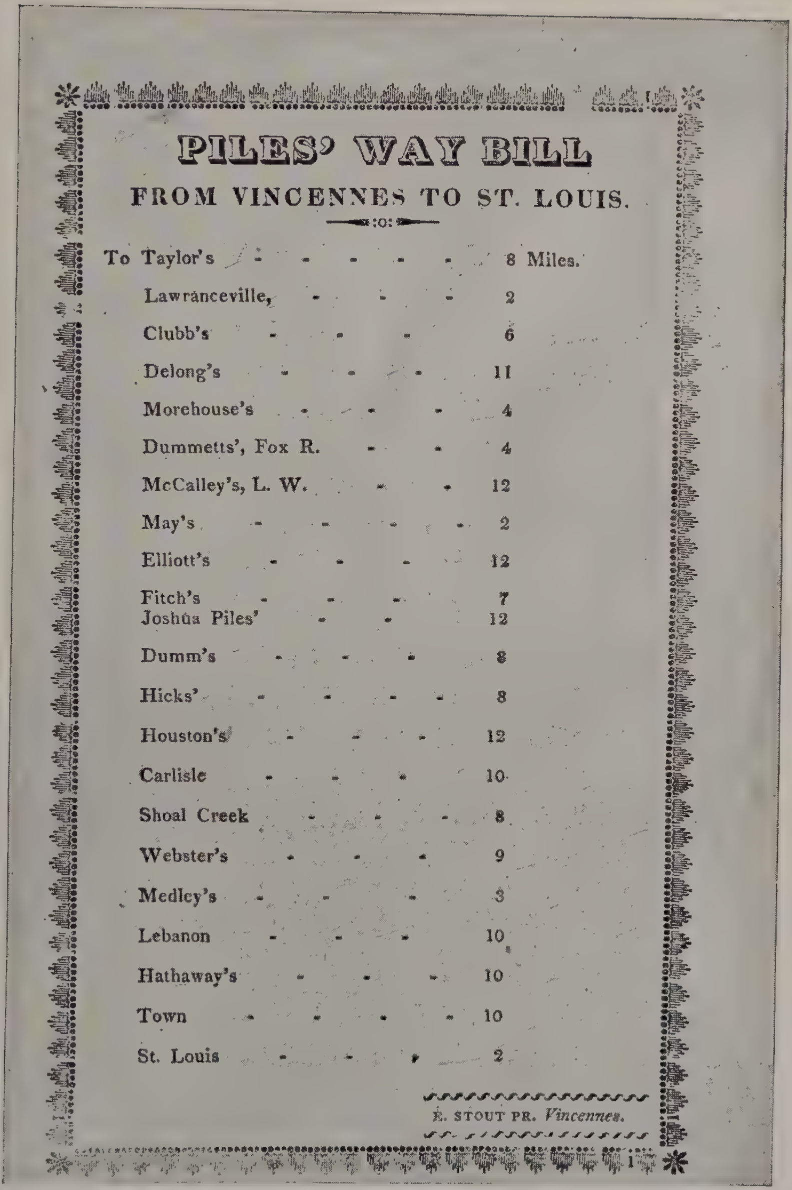
[1] It is not unlikely that Georgia's successful nullification of 1830 was to some extent responsible for South Carolina's attempted nullification of national law in the more trivial matter of customs duties a short time afterward.

[2] Texts of all the opinions, assenting and dissenting, in 5 Peters, 1.



PILES' WAY BILL

FROM VINCENNES TO ST. LOUIS.

To Taylor's	8 Miles.
Lawranceville,	2
Clubb's	6
Delong's	11
Morehouse's	4
Dummetts', Fox R.	4
McCalley's, L. W.	12
May's	2
Elliott's	12
Fitch's	7
Joshua Piles'	12
Dumm's	8
Hicks'	8
Houston's	12
Carlisle	10
Shoal Creek	8
Webster's	9
Medley's	3
Lebanon	10
Hathaway's	10
Town	10
St. Louis	2

E. STOUT PR. *Vincennes.*

177.—A stage-coach way-bill, or manifest, used by another line running coaches between Vincennes and St. Louis at the same period. Distances were still commonly reckoned in miles intervening between taverns.

from others, capable of managing its own affairs and governing itself has, in the opinion of a majority of the judges been completely successful. They have been uniformly treated as a State, from the settlement of the country. . . . The acts of our Government plainly recognize the Cherokee nation as a State, and the courts are bound by those acts."

Having established in law the contention of the Cherokees respecting their separate and self-governing character as a state, the opinion went on to say:

". . . It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations."

Thus the motion for an injunction and the merits of the case were not reached, on the declared grounds that the Cherokees were not a foreign nation; that the Court had no jurisdiction; and that the plaintiff could not apply to it for relief. One state is foreign to another if it is wholly under a different governmental jurisdiction, without regard to the relative geographical positions of the two sovereignties concerned. The political distinction embodied in the term "foreign" is in no sense related to or dependent upon geographical or territorial considerations. The decision was substantially equivalent to a pronouncement that an old, established and independent political state, if gradually surrounded by the territory of a newly created government, automatically loses its sovereignty and foreign quality to the younger nation by virtue of that process.

Justice Johnson, in assenting to the majority opinion[1] that the Court had no jurisdiction to give the Cherokees relief, stated that existing conditions in the South amounted to war and that the native nation's only appeal was to the sword. He said:

". . . Their present form of government . . . certainly must be classed among the most approved forms of civil government.

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[1] Justices Thompson and Story dissented.

> "What does this series of allegations exhibit but a state of war, and the fact of invasion? They allege themselves to be a sovereign independent state, and set out that another sovereign state has, by its laws, its functionaries, and its armed force, invaded their State and put down their authority. This is war, in fact; though not being declared with the usual solemnities it may perhaps be called war in disguise. And the contest is distinctly a contest for empire . . . not an appeal to laws, but to force. A case in which a sovereign undertakes to assert his right upon his sovereign responsibility; to right himself, and not appeal to any arbiter but the sword for the justice of his cause. . . In the exercise of sovereign right the sovereign is sole arbiter of his own justice. The penalty of wrong is war and subjugation."

Thus the Cherokees, having abandoned fighting for industry, appealed to the highest tribunal of their adversaries and were met with the information that the whites were making warfare on them in a contest for empire, and that their remedy was to seek their rights in battle and subjugate Georgia by the sword.

Neither of the two cases hitherto cited involved the lives, liberties or other rights of United States citizens in the dispute concerning the political status of the red nations. But an event soon occurred which did introduce those new elements into the controversy, with attendant results of importance. Georgia had passed an act[1] prohibiting white men from living among the Cherokees without permission from herself, and after the Supreme Court had denied its jurisdiction over the race quarrel, the commonwealth felt emboldened to adopt measures more extreme than those previously taken. Under the law mentioned she arrested a number of white men residing in the Cherokee nation with its permission, but without licenses from Georgia, and who had not taken oath to obey the laws of Georgia while they remained in native jurisdiction. One of these men was Samuel Worcester, a

[1] December 22, 1830, during the nullification of Federal authority in the Tassel case.

missionary and citizen of the state of Vermont.[1] Worcester was tried under the law in question, found guilty, sentenced to the penitentiary for a term of four years at hard labor and there imprisoned. The Vermont man took his case to the Supreme Court, which cited Georgia to appear before it as in the Tassel matter, and Georgia again ignored the summons. Argument was heard in January of 1832, and the opinion of the Court, as handed down by Chief Justice Marshall reviewed the whole range of international relationship existing between the white and red nations.[2] The Treaty of Holstein in 1791, said the Court, was one

> "Explicitly recognizing the national character of the Cherokees, and their right of self-government. . . All these acts [those of the United States from the commencement of constitutional government] manifestly consider the several Indian nations as distinct political communities, having territorial boundaries within which their authority is exclusive. . .
>
> "The Indian nations had always been considered as distinct, independent, political communities, retaining their original natural rights. . . The very term, 'nation,' so generally applied to them, means 'a people distinct from others'. . . The constitution . . admits their rank among those powers who are capable of making treaties. . . The words 'treaty' and 'nation' are words of our own language, selected in our diplomatic and legislative proceedings by ourselves, having each a definite and well-understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth; they are applied to all in the same sense.
>
> ". . . Georgia, herself, has furnished conclusive evidence that her former opinion on this subject concurred with those entertained by her sister states, and by the Government of the United States." The acts of her legislature, the opinion continued, "proved her acquiescence in the universal conviction that the Indian nations . . possessed rights with which no state could interfere," and "that their territory was separated from that of any state." . . Her new series of laws, manifesting her abandonment of these opinions, appears to have commenced in December, 1828. . .
>
> "The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of

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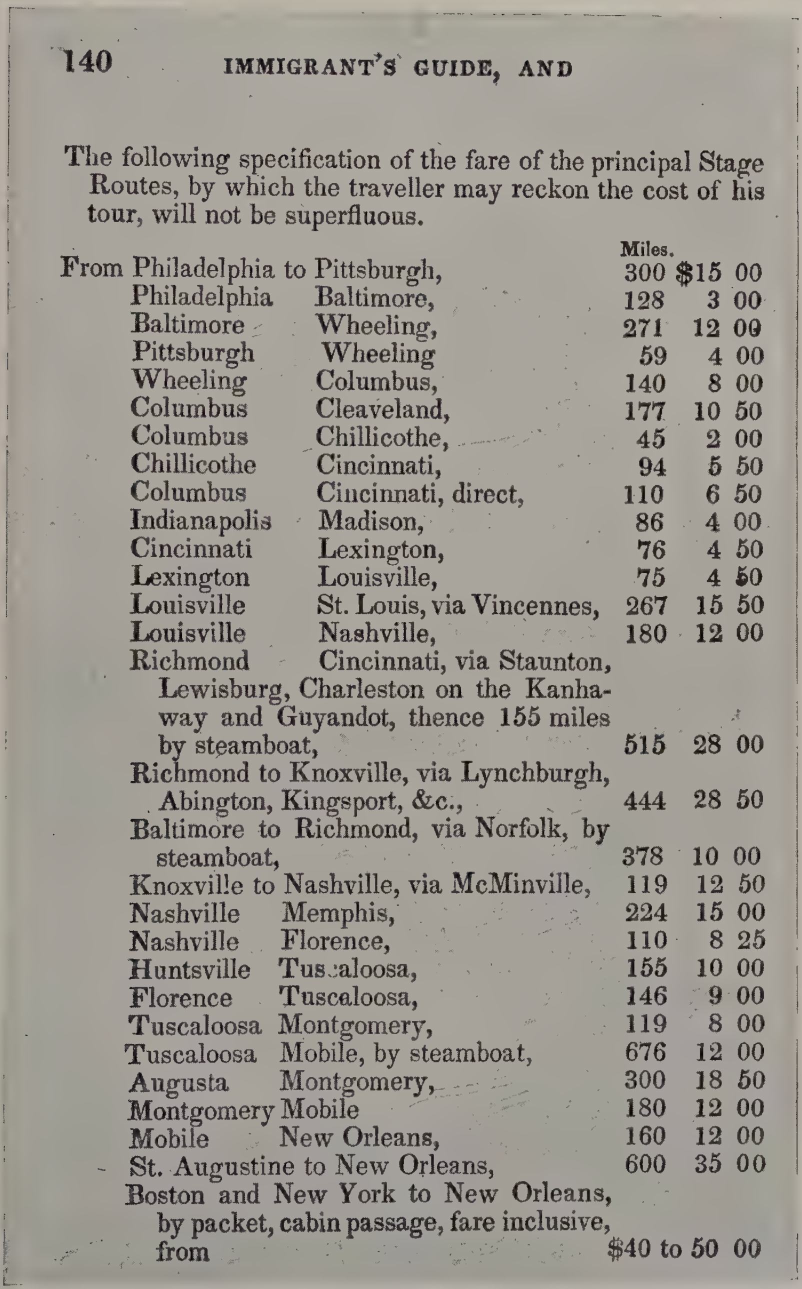
[1] Others were Elizur Butler, James Trott, Samuel Mays, Surry Eaton, Austin Copeland and Edward Losure.

[2] Judgment contained in 6 Peters, 515.



140 IMMIGRANT'S GUIDE, AND

The following specification of the fare of the principal Stage Routes, by which the traveller may reckon the cost of his tour, will not be superfluous.

		Miles.		
From Philadelphia	to Pittsburgh,	300	$15	00
Philadelphia	Baltimore,	128	3	00
Baltimore	Wheeling,	271	12	00
Pittsburgh	Wheeling	59	4	00
Wheeling	Columbus,	140	8	00
Columbus	Cleaveland,	177	10	50
Columbus	Chillicothe,	45	2	00
Chillicothe	Cincinnati,	94	5	50
Columbus	Cincinnati, direct,	110	6	50
Indianapolis	Madison,	86	4	00
Cincinnati	Lexington,	76	4	50
Lexington	Louisville,	75	4	50
Louisville	St. Louis, via Vincennes,	267	15	50
Louisville	Nashville,	180	12	00
Richmond	Cincinnati, via Staunton, Lewisburg, Charleston on the Kanhaway and Guyandot, thence 155 miles by steamboat,	515	28	00
Richmond to Knoxville, via Lynchburgh, Abington, Kingsport, &c.,		444	28	50
Baltimore to Richmond, via Norfolk, by steamboat,		378	10	00
Knoxville to Nashville, via McMinville,		119	12	50
Nashville	Memphis,	224	15	00
Nashville	Florence,	110	8	25
Huntsville	Tuscaloosa,	155	10	00
Florence	Tuscaloosa,	146	9	00
Tuscaloosa	Montgomery,	119	8	00
Tuscaloosa	Mobile, by steamboat,	676	12	00
Augusta	Montgomery,	300	18	50
Montgomery	Mobile	180	12	00
Mobile	New Orleans,	160	12	00
St. Augustine to New Orleans,		600	35	00
Boston and New York to New Orleans, by packet, cabin passage, fare inclusive, from			$40 to 50	00

178.—List showing the cost of various stage-coach trips in the East, South and Mississippi valley in 1848. From Warner's "Immigrant's Guide," published in the year named. The ticket for a journey from Louisville to St. Louis then cost $15.50.

Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves. . .

"The act of the State of Georgia, under which the plaintiff in error was prosecuted is consequently void, and the judgment a nullity. . . The acts of Georgia are repugnant to the constitution, laws and treaties of the United States. . . ."

This judgment constituted a reversal of the Court's opinion in the case brought directly by the Cherokees themselves and placed them in the rank of foreign as well as independent nations. It stated that they had retained those original natural rights possessed by them before the United States territory had reached and encompassed them, and that, instead of being so-called "domestic dependent nations," the term "nation" as given by the United States to an Indian state was applied to it as to the other nations of the earth, and in the same sense. The violated rights of a white man had brought forth that unequivocal assertion of native sovereignty without which the United States citizen could not have been restored to freedom.

Worcester was not set free. A mandate issued from the Supreme Court ordering Georgia to liberate the prisoner, but it was not obeyed. Georgia maintained her attitude of nullification, the missionary was held in prison, and later released through the process of a state pardon.

Jackson again did nothing. Various efforts were made to procure Worcester's release not only before, but during and after the Supreme Court's consideration of the case, and among these endeavors was that of the American Board of Missions. That body laid a statement of the matter before Jackson and asked his aid. In reply the President addressed the following letter to the Board:[1]

"Gentlemen:—I have the honor to acknowledge the receipt of your memorial, stating that certain missionaries in the State of Georgia have been imprisoned for alleged offenses against the State, and requesting my interference in furthering their release.

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[1] Apparently not included in biographies of Jackson or other historical reviews of the events or times under discussion. Its text as here given is copied from "The St. Joseph Beacon" (South Bend, Indiana) of September 29, 1832.

"In reply I have to inform you that the power vested in me has been placed in my hands for the purpose of seeing the laws of the United States justly and impartially administered, and not for the purpose of abusing them, as I most assuredly should do were I to interpose my authority in the case brought before me in your memorial. The State of Georgia is governed by its own laws; and if injustice has been, or is committed, there are competent tribunals at which redress can be obtained. I do not wish to comment upon the causes of the imprisonment of the missionaries alluded to in the memorial; but I cannot refrain from observing that here, as in most other countries, they are, by their injudicious zeal (to give it no harsher name) too apt to make themselves obnoxious to those among whom they are located.

"ANDREW JACKSON."

During the same period wherein Georgia was declaring her nullification of national law with the purpose of ousting the Indians, South Carolina was threatening to take like action toward the Federal collection of tariff duties within her boundaries. Against South Carolina's attitude Jackson stood like adamant. In his dispute with that commonwealth he took the ground that nullification was inconceivable, and that as a matter of principle, in any form, was not to be tolerated. Among his utterances on the subject, made at the time, were the following:

". . . I fully concur with you in your views of nullification. It leads directly to civil war and bloodshed and deserves the execration of every friend of our country. . . The Union must be preserved and its laws duly executed by proper means. . . We must act as the instruments of the law, and if force is opposed to us in that capacity, then we shall repel it. . . [2]

Another letter said:

". . . In forty days I can have within the limits of So. Carolina fifty thousand men, and in forty days more another fifty thousand. . .

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[1] Worcester and the other missionaries were located among the Cherokees at the desire of the nation. The President still clung to the assumption that they were located in Georgia.

[2] Manuscript letter from Jackson to Joel Poinsett of South Carolina, under date of December 2, 1832. Archives of the Pennsylvania Historical Society.

> The Union will be preserved. The safety of the republic, the supreme law, which will be promptly obeyed by me. . . ."[1]

Jackson's public expression relating to state nullification of Federal law was embodied in his "Proclamation."[2] The document contained this passage:

> "I consider the power to annul the law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

A third private message to Poinsett[3] ran:

> ". . . I can, if need be—which God forbear, march two hundred thousand men in forty days to quell any and every insurrection or rebellion that might arise to threaten our glorious confederacy and Union . . . Fear not, the Union will be preserved and treason and rebellion promptly put down, when and where it may show its monster head."

The letters to Poinsett and the Board of Missions were contemporaneous with the nullification crisis as it existed in two states, dealt with the same fundamental principle, and were substantially simultaneous utterances. The basic question in the two cases — defiance of Federal law by an individual state — was identical. Jackson's attitude in each was diametrically opposed to the position he concurrently assumed in the other. Public opinion upheld him in both. One state was subdued in a tariff argument; the other was permitted to have its own way in the larger matters of property, liberty and life. It was seemingly, then, not the principle of nullification which brought forth popular condemnation and Executive pronouncements threatening force for its suppression, but the particular sort of nullification which proposed to divide the white nation against itself. That other and graver nullification of Federal authority, which apparently tended to increase the future strength and unity of the white nation, was tolerated by the people and their official representatives.

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[1] Ibid. Dated December 9, 1832.

[2] Issued on December 16, a week after the second letter to Poinsett.

[3] Manuscript letter in the Pennsylvania Historical Society. Date, January 24, 1833.

Even after the Supreme Court, by its judgment in the Worcester case, swept away the Executive contentions and made Jackson the only competent tribunal to which an appeal might be made for the enforcement of law, he remained a passive spectator of the proceedings against the natives in the South.

CHAPTER XXIX

HOPES OF THE SOUTHERN NATIONS APPARENTLY DESTROYED BY THE SUPREME COURT'S FIRST DECISION — CHICKASAWS, CREEKS AND SEMINOLES CEDE THEIR DOMAINS EAST OF THE MISSISSIPPI — THE PROMISE MADE TO THEM — IMPORTANCE OF THEIR CAPITULATION — A TREATY FINALLY SIGNED WITH SOME OF THE CHEROKEES — IT IS REPUDIATED BY THE RED NATION — THE CHEROKEES REDUCED FROM PROSPERITY TO DISTRESS — THEY ARE REMOVED TO THE WEST BY A FEDERAL ARMY — OFFICIAL COMMENT ON THE TRANSACTION — THE EAST AT LAST CLEARED OF NATIVES AND A TRANSPORTATION SYSTEM ON UNBROKEN WHITE TERRITORY IS MADE POSSIBLE — CONCLUDING OBSERVATIONS ON THE RACE QUARREL

THE action of the Supreme Court in the case of the Cherokee Nation vs. Georgia, whereby that body declared it had no jurisdiction in a native appeal against Caucasian invasion of Indian sovereignty, seemingly killed the last hope of the southern red states. They saw no help could be expected from the obstinate old warrior who had been elevated to power by the whites; they were shut off from the aid which might have been gained through legal means, and could no longer endure the methods employed to destroy their character as independent peoples in the East. Nothing was left for them but to fight or to abandon the upward struggle begun a generation before at the urging of the Government and Jefferson.[1] So they capitulated. Jackson vigorously continued his efforts during the critical year of 1832, and before its end he had secured treaties under which the Chickasaws, Creeks and Seminoles ceded all their possessions east of the Mississippi in exchange for lands west of that river and the customary pledges.

Article XIV of the Creek treaty[2] said:

> "The Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians, nor shall any state or territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them." [3]

The preamble to the Chickasaw treaty[4] declared:

> "The Chickasaw nation find themselves oppressed in their present situation, being made subject to the laws of the states in which they reside. Being ignorant of the language and laws of the white man they cannot understand or obey them. Rather than submit to this great evil they prefer to seek a home in the West, where they may live and be governed by their own laws. [5] . . ."

Had the Choctaws, Creeks, Chickasaws and Cherokees unitedly withstood the pressure on them until after the decision in the Worcester case then the treaties with them would not have been written as they were, for it overthrew the new white claim that those Indian nations lived in United States territory and were subject to its laws. That contention, jointly maintained during the crisis

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[1] Associate Justice McLean, who concurred with Chief Justice Marshall in the case of Worcester vs. Georgia, also said in his opinion: "Would it not be a singular argument to admit that so long as the Indians governed by the rifle and tomahawk their government may be tolerated; but that it must be suppressed so soon as it shall be administered upon the enlightened principles of reason and justice?"

[2] Dated March 24, 1832.

[3] The proviso concerning Congressional jurisdiction was a result of the Supreme Court's definition of Indian states as "domestic dependent nations" in the case of the Cherokees against Georgia.

[4] Dated October 20, 1832.

[5] A later treaty guaranteed that the Chickasaw possessions in the West should be kept "without the limits of any State or Territory."

179.—The canal era. A packet, or swift canal boat, used exclusively for passenger traffic. It maintained a steady speed of three or four miles an hour, both day and night. The regular, or "line," boats carried freight as well as passengers, and only moved at the rate of about two miles an hour. Done by the artist Alexander Robb. The succeeding twenty-six illustrations, to No. 205 inclusive, concern the canal period and life while travelling on a canal boat.

by the Executive, the southern states and the Supreme Court, was the crucial consideration which induced the natives to cede their countries. Had they waited a little longer one of three situations must apparently have arisen. Either the red nations of the South would have been despoiled by organized force in defiance of law, or the white race would have engaged in civil war over the question, or else the Indian states would have been left to develop in peace, thus splitting the eastern half of the present white republic into two sections separated in part by foreign soil unless the Indians had afterward consented to a political amalgamation on their own terms. Viewed in any light the years here considered possess a relationship to the later development of the country exceeded in importance by but few other periods of its history.

The Cherokee nation was the only native commonwealth of the South[1] which had not committed itself to the sale of its territories and the westward emigration of its people when the decision in the Worcester case was announced. That decree encouraged them, for a time, to believe they might still maintain their position, but

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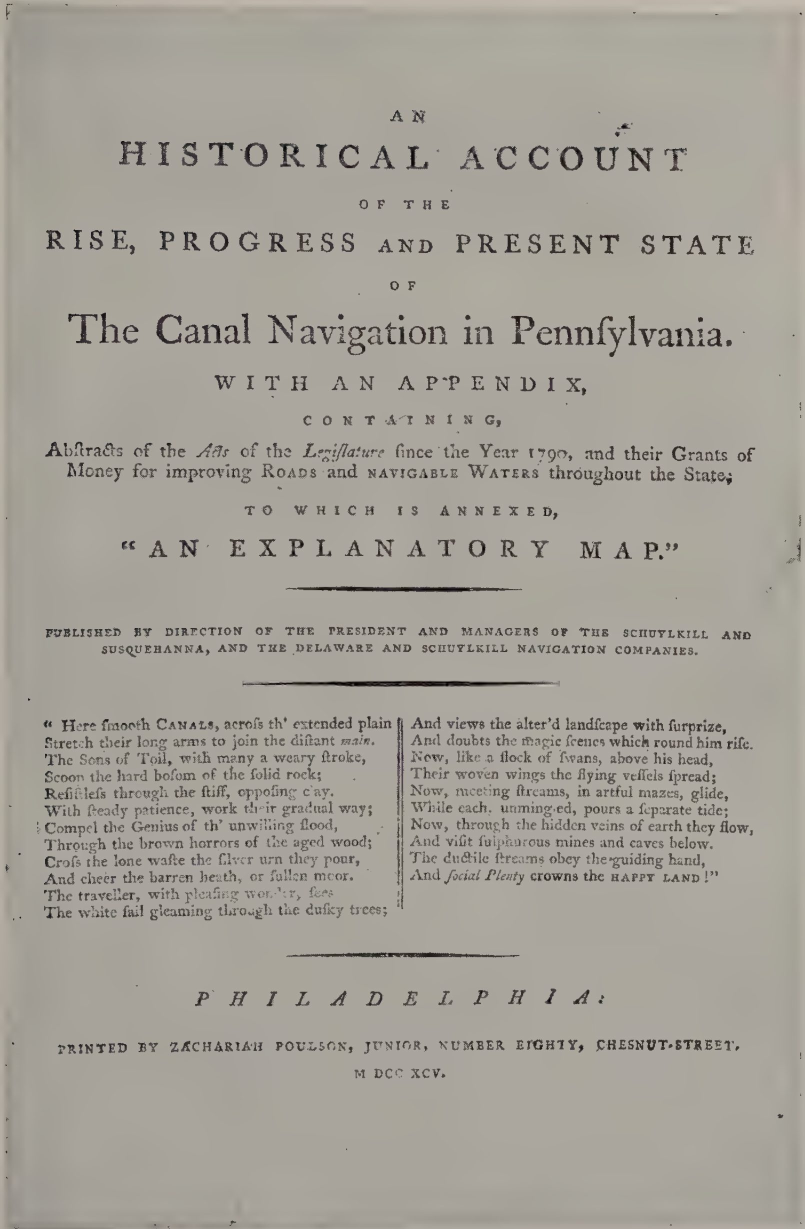
[1] And the only important red state east of the Mississippi either North or South.



AN

HISTORICAL ACCOUNT

OF THE

RISE, PROGRESS AND PRESENT STATE

OF

The Canal Navigation in Pennſylvania.

WITH AN APPENDIX,

CONTAINING,

Abſtracts of the *Acts* of the *Legiſlature* ſince the Year 1790, and their Grants of Money for improving ROADS and NAVIGABLE WATERS throughout the State;

TO WHICH IS ANNEXED,

"AN EXPLANATORY MAP."

PUBLISHED BY DIRECTION OF THE PRESIDENT AND MANAGERS OF THE SCHUYLKILL AND SUSQUEHANNA, AND THE DELAWARE AND SCHUYLKILL NAVIGATION COMPANIES.

"Here ſmooth CANALS, acroſs th' extended plain
Stretch their long arms to join the diſtant *main*.
The Sons of Toil, with many a weary ſtroke,
Scoop the hard boſom of the ſolid rock;
Reſiſtleſs through the ſtiff, oppoſing clay,
With ſteady patience, work their gradual way;
Compel the Genius of th' unwilling flood,
Through the brown horrors of the aged wood;
Croſs the lone waſte the ſilver urn they pour,
And cheer the barren heath, or ſullen moor.
The traveller, with pleaſing wonder, ſees
The white ſail gleaming through the duſky trees;
And views the alter'd landſcape with ſurprize,
And doubts the magic ſcenes which round him riſe.
Now, like a flock of ſwans, above his head,
Their woven wings the flying veſſels ſpread;
Now, meeting ſtreams, in artful mazes, glide,
While each, unmingled, pours a ſeparate tide;
Now, through the hidden veins of earth they flow,
And viſit ſulphurous mines and caves below.
The ductile ſtreams obey the guiding hand,
And *ſocial Plenty* crowns the HAPPY LAND!"

PHILADELPHIA:

PRINTED BY ZACHARIAH POULSON, JUNIOR, NUMBER EIGHTY, CHESNUT-STREET.
M DCC XCV.

180.—Early literature relating to travel in America. First American printed book on the subject of canals. Although published in Philadelphia in 1795, five years after Fitch had operated his steamboat as a public conveyance on the Delaware River, the book contains no reference to the possible use of steam in connection with transportation.

the hope was short lived. An uninterrupted series of local harassments still pressed upon them, and in the face of these troubles a portion of the red farmers and artisans gradually lost some of their former spirit of resistance. The Federal white government, in addition, continued its pressure upon certain of the important natives in an effort to win their consent to a treaty. This endeavor was at last successful, and in 1835[1] about twenty officials of the nation signed a paper purporting to embody the consent of all the Cherokees, and which ceded to the United States the red nation's possessions east of the Mississippi in exchange for some seven millions of acres in the West. Some of the guarantees made by the United States in the agreement were as follows:

> "Article V.—The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: provided always that they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade or intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same." [2]
>
> "Article VII.—The Cherokee nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States toward the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate

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[1] December 29th. The treaty of New Echota.

[2] The last clause is ambiguous and obscure. The Cherokees understood that the "permission," "laws" and "regulations' referred to were to be of their making, since their country was the last that had been previously mentioned in the clause.

in the House of Representatives of the United States whenever Congress shall make provision for the same."

In another article of the document the United States recognized the illegal despoilment of the natives during the previous seven years by agreeing to recompense them for "such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the state where the same may be situated."

That this treaty sale of the native lands did not correctly represent the attitude of the Cherokee population was indicated by the assassination of several native signers of the document who were denounced as traitors, and by a general refusal of the Indians to abide by its terms.[1] To such an extreme degree did a large proportion of the nation carry repudiation of the transaction that, though gradually ousted from their homes and farms by invading whites and brought to poverty, they refused food, clothing or other aid from the Federal government for fear they would be considered, by that act, as acknowledging the validity of the treaty.[2] From a condition of prosperity and comfort they were reduced to hunger, and lived on roots and the sap of trees.[3] Early in 1837 the nation met in council at their settlement of Red Clay and denounced the compact of New Echota. Other features of the assemblage at Red Clay were religious services attended by several thousands of the Indians, and their united singing of hymns translated into the Cherokee language.[4] By this time the patience of President Jackson — never notable for its enduring qualities — had been exhausted, and finally realizing that he was dealing with an unusual

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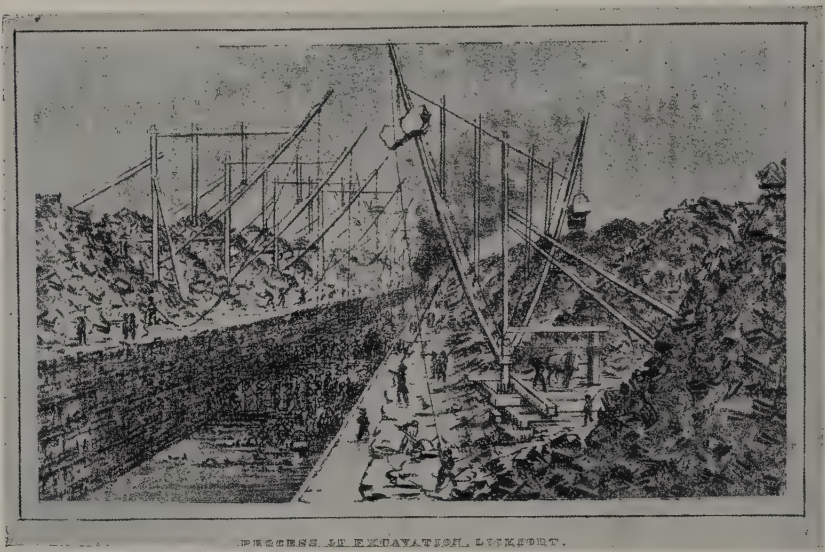
[1] Even after the two years within which the removal was to take place.

[2] One of its sections stated that the nation had been so beset that "their crops are insufficient to support their families, and great distress is likely to ensue," and provided for an advancement of Federal money to be used in the relief of suffering.

[3] "Thousands, I have been informed, had no other foods for weeks." General Wool's Report of 1837 to the War Department.

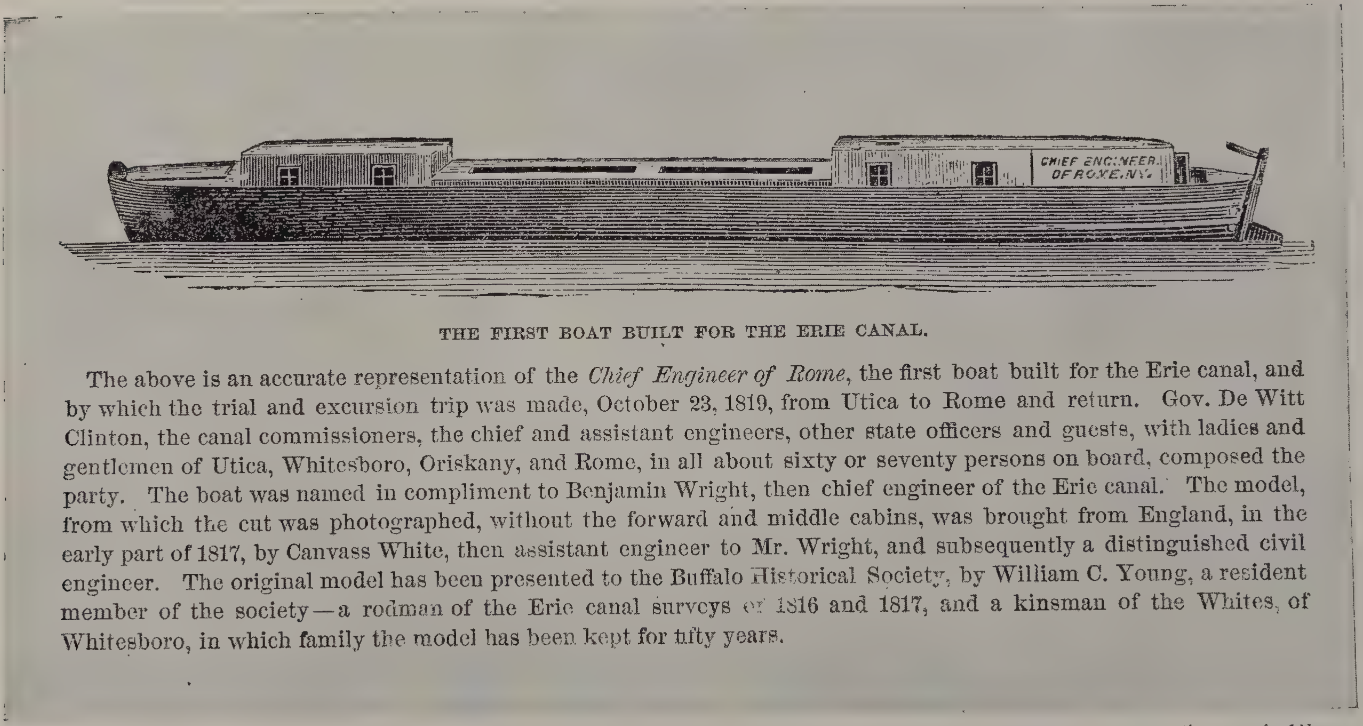
[4] "Early Indian Missions," by Walter N. Wyeth, p. 42.


PROCESS OF EXCAVATION, LOCKPORT.

181.—Building the first important artificial waterway. Scene during the digging of a deep cut on the Erie Canal in New York State. Published in 1825, just after the entire work was put in operation.

people who were in earnest he turned with reluctance to his one remaining method of persuasion — the bayonet. The United States possessed its signed copy of the compact of 1835 promising evacuation of their territories by the Cherokees, and they had to go. Treaties made by nations with one another must be kept. A Federal army was accordingly sent into the Cherokee country in the winter of 1838-1839 and General Scott, its commander, issued to the red nation the following proclamation in the spring of the last named year:

"Cherokees:—The President of the United States has sent me with a powerful army to cause you, in obedience to the treaty of 1835, to join that part of your people who are already established on the other side of the Mississippi. . . . The emigration must be commenced in haste, but I hope without disorder. I have no power, by granting a further delay, to correct the error that you have committed. The full moon of May is already on the wane, and before another shall have passed away every Cherokee man, woman and child in these States



THE FIRST BOAT BUILT FOR THE ERIE CANAL.

The above is an accurate representation of the *Chief Engineer of Rome*, the first boat built for the Erie canal, and by which the trial and excursion trip was made, October 23, 1819, from Utica to Rome and return. Gov. De Witt Clinton, the canal commissioners, the chief and assistant engineers, other state officers and guests, with ladies and gentlemen of Utica, Whitesboro, Oriskany, and Rome, in all about sixty or seventy persons on board, composed the party. The boat was named in compliment to Benjamin Wright, then chief engineer of the Erie canal. The model, from which the cut was photographed, without the forward and middle cabins, was brought from England, in the early part of 1817, by Canvass White, then assistant engineer to Mr. Wright, and subsequently a distinguished civil engineer. The original model has been presented to the Buffalo Historical Society, by William C. Young, a resident member of the society—a rodman of the Erie canal surveys of 1816 and 1817, and a kinsman of the Whites, of Whitesboro, in which family the model has been kept for fifty years.

182.—The original canal-boat used on the Erie Canal. From a picture contained in Munsell's *Collections on the History of Albany*. Vol. II; 1867.

must be in motion to join their brethren in the West. . . . My troops already occupy many positions in the country that you are to abandon, and thousands are approaching from every quarter, to render resistance and escape alike hopeless. . . . Spare me, I beseech you, the horror of witnessing the destruction of the Cherokees. . . . This is the address of a warrior to warriors. May its entreaties be kindly received, and may the God of both prosper the Americans and Cherokees, and preserve them long in peace and friendship with each other."

The Cherokees offered no physical resistance. During the last days of May the troops began the task of collecting them into camps preliminary to their exodus, and the process continued for two or three weeks. A highly colored description of the scenes and conditions attending this final downfall of Indian government east of the Mississippi was written by a white missionary present at the time. It says in part:

"The Cherokees are nearly all prisoners. They have been dragged from their houses and encamped at the forts and military posts all over the Nation. In Georgia, especially, multitudes were allowed no time to take anything with them except the clothes they had on. Well-furnished houses were left a prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses and strip the helpless, inoffending owners of all they have on earth. Females who have been habituated to comforts and comparative affluence are driven on foot before the bayonets of brutal men. Their feelings are mortified by vulgar and profane vociferations. It is a painful sight. The property of many has been taken and sold before their eyes for almost nothing—the sellers and buyers, in many cases, being combined to cheat the poor Indians. . . . The poor captive, in a state of distressing agitation, his weeping wife almost frantic with terror, surrounded by a group of crying, terrified children, without a friend to speak a consoling word, is in a poor condition to make a good disposition of his property and is, in most cases, stripped of the whole at one blow. And this is not a description of extreme cases. . . ."[1]

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[1] From an account written by Evan Jones, of the Baptist Mission to the Cherokees, and contained in Wyeth's "Early Indian Missions," (p. 43) previously mentioned. Possibly Jones' obvious desire to put the actions of the soldiers in the most unfortunate light was to some extent due to the fact that he himself had been arrested and deported from Cherokee territory in 1836. Yet it is apparent that the migration of the southern nations did result in heavy property losses to them, for the Cherokees and Creeks alone were able to prove such damages as Jones described to the extent of about a million dollars. In 1838 the United States agreed by treaty to pay to the Creeks $400,000 for "property and improvements abandoned or lost" in their emigration. The Cherokees were allotted $600,000 for expenses and losses incidental to their removal westward. Jones, the missionary, together with a few other white men, accompanied the nation on its overland journey in an endeavor to keep its members in good cheer.

The total number of Cherokees to be moved was some eighteen thousand. The government planned to have about half of them make the journey of seven hundred miles on foot. Against this project the nation protested and asked the privilege of conveyance by wagons, estimating the cost at $65,000 for each thousand persons so transported and offering to let the expense be charged against themselves. Regarding this request the Commissioner of Indian Affairs reported: "As their own funds pay it, and it was insisted on by their own confidential agents, it was thought it could not be rejected." The officials of the nation also noted the omission of soap from the list of supplies to be furnished during the trip, and that article was also provided for the Indians.

It was at first intended by the government, as set forth in General Scott's manifesto, to conduct the movement during the hot months of summer, but such an earnest objection to this procedure was made by the Indians that after three thousand of them had been started away during June the remainder were held in camp until September. The road taken by the red emigrants was by way of Nashville, in Tennessee, and from three to five months was consumed on the pilgrimage by each of the fourteen detachments into which the whole body of natives was divided. From May 23d, when the enforced assemblage of the nation was begun by the troops until the last company reached its new home in the West, a period of ten months elapsed. The number of Cherokees who died on the way was more than four thousand — not far from twenty-two per cent. of those who started. After the terms of the treaty of 1835 had been fulfilled the Commissioner of Indian Affairs made a report on the movement in which he said:

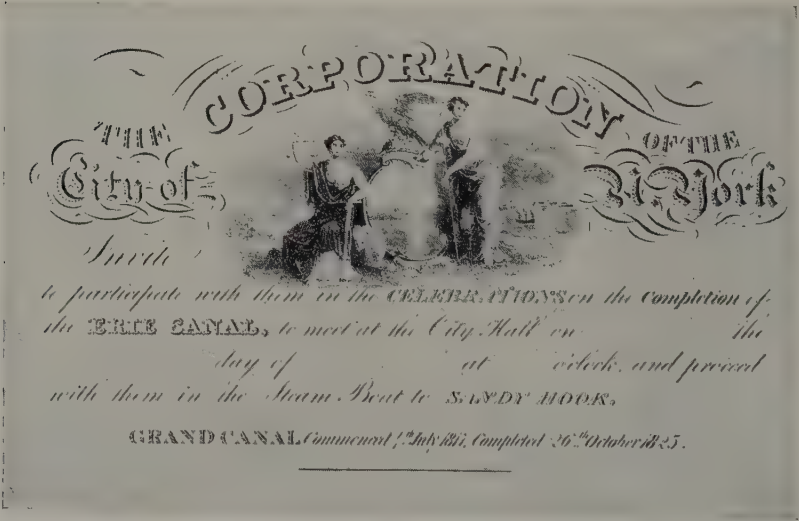
> "The case of the Cherokees is a striking example of the liberality of the Government in all its branches. . . . A retrospect of the last eight months in reference to this numerous and more than ordinarily enlightened tribe cannot fail to be refreshing to well-constituted minds."

The Secretary of War said in his report:

> "The generous and enlightened policy evinced in the measures adopted by Congress toward that people during the last session was ably and judiciously carried into effect by the General appointed. . . . Humanity no less than good policy dictated this course toward these children of the forest," [which course was adopted] "in the hope of preserving the Indians and of maintaining the peace and tranquillity of the whites."

The Commissioner of Indian Affairs further stated that

> "If our acts have been generous, they have not been less wise and



THE CORPORATION OF THE City of N. York

Invite

to participate with them in the CELEBRATIONS *on the Completion of the* ERIE CANAL, *to meet at the City Hall on the day of at o'clock, and proceed with them in the Steam Boat to* SANDY HOOK.

GRAND CANAL *Commenced 4th July 1817, Completed 26th October 1825.*

183.—Invitation issued by New York City to its guests on the occasion of the formal opening of the Erie Canal. When the steamboat reached Sandy Hook, some water brought from Lake Erie was poured overboard to symbolize the union of the Great Lakes and the Ocean.

politic. A large mass of men have been conciliated; the hazard of an effusion of human blood has been put by; good feeling has been preserved, and we have quietly and gently transported eighteen thousand friends to the west bank of the Mississippi."[1]

The conditions and events outlined in the last few chapters indicate in a general way the relations of the two races between 1789 and 1838. Such were the methods used throughout the country, both North and South, in clearing the region east of the Mississippi for white movement and dominion, and that constituted the foundation on which the white race erected the unparallelled system of highways, canals and railroads by whose means the nation was finally bound into one homogeneous social unit. The crisis to the Indian question was reached during General Jackson's administration and was met by him in the manner described. Yet the small segment of Jackson's character and executive record here suggested cannot be taken as a picture of the whole man. He embodied, in extreme degree, nearly all the excellencies as well as many of the defects typical of the time in which he was such an overmastering figure. Superlative in vehemence, ignorance, obstinacy, contradiction and narrowness, he was also equally astonishing in chivalry, valor, power, perception and the courage of right purpose in many vital things. He was a product of the days that beheld him, and no understanding of his character in its entirety may be gathered without broad knowledge of the social crucible in which he was compounded. In discussing his relation to the Indian question his most ambitious early biographer said of him:[2]

"To this part of the policy of General Jackson praise little qualified can be justly awarded. The irrevocable logic of events first decreed and then justified the removal of the Indians. Nor need we, at this late day, revive the sad details of a measure which, hard and cruel as it was then thought, is now universally felt to have been as kind as it was necessary."

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[1] By his expression "human blood" the Commissioner refers to the hazard of an effusion of white men's blood, due to the previous possibility of civil war over the Indian question. His error in the number of natives transported is due to using the number of Cherokees who started on the journey.

[2] Parton, in the "Life of Andrew Jackson": New York, 1860. Volume III, pp. 279-280.

To-day we challenge the manner in which that opinion was set down. It is not the province of the student or historian to suppress those essential details — whatever their character may be — without which no appreciation of the relationships of past and present events can be obtained; it is not his function to award praise or condemnation without presenting the principal features of the case on which the verdict is based. He must tell what has happened, and how it happened, and leave the final verdict in other hands than his. Then, if he choose, he may express his own opinions and accept the risk which such a course entails.

In considering those governmental promises which finally brought about a trans-Mississippi migration of the Indians without warfare our chief present speculation must be: Were such words set down in duplicity, or were they a genuine manifestation of the stupidity which their honesty presupposes. The mind shrinks from adopting either theory, yet one or the other must seemingly be true. If the promises were honest pledges made in the light of what had taken place after similar negotiations for nearly two centuries, then the creation of a mental vacuity sufficient to produce them is, at least, a comforting evidence of the resources of Omnipotence.

Considered in all its aspects the subject is one that has not yet been treated with detail in written accounts of our formative period.[1] Chroniclers, in describing the era, have dwelt largely on the finer sentiments, valor, political quarrels and worthy accomplishments of its principal figures. So much attention has been paid to those phases of the time that the designs and deeds of the people as a mass, and related actions taken by public servants in accordance with popular desire have been skimped or omitted altogether. So commonly has this oversight occurred that it has sometimes seemed as though the particular phase of national development here discussed was looked upon somewhat as a skeleton-in-the-closet, and, if it were in truth such, that no good could come of throwing wide the door. By and by the bones would crumble and be forgotten. Or, if the ends attained by popular and governmental action from 1794 to 1839 were of necessity to be reviewed, then it has seemed that the immediate material value of those results was considered as the essential feature of the story demanding attention. The motives and methods used in obtaining the results, it appeared, need be but lightly touched. The things that happened were condoned as inevitable because the red men of the East were still popularly considered to be a race of savages. General Washington's opinion that a treaty with the Indians was a sop to quiet them was lamented as a thoughtless indiscretion, and the recompense therein contained was overlooked. For candor like that is surely a sufficient basis on which to build the legend that he never told a lie.

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[1] In any one connected narrative. Nor is it so treated here.

But there may be a value in the record of these somber years which is not yet utilized. The story of the civic and military glories of a nation's vanished heroes is not of necessity the wholesomest food on which to rear its later citizens. While men remain what they are, the tale of their deeds will not be one to inspire admiration only. Heroes make mistakes. A whole population can be carried away by an impulse that breeds ignoble things. The thought, attitude, practises and entire life of a nation, at any given time, is a product of the human qualities that have swayed its preceding generations.[1] Whatever is excellent in a nation's life, whether it be of old inheritance or sudden acquisition, is clearly to be seen and readily accounted for. Those other and dangerous traits, that at times steal like a poison through the character of a people until it is in peril of decay, are not so easily explained. Yet they too have their origin, and it is always to be sought in some widespread condition that presents to the people a choice between moral principles and material benefit at a time when the worldly profit can apparently be grasped without harm to themselves or to their country. If they then yield to temptation and resort to methods which win them earth-power at the expense of principle, they excuse themselves with the belief that only their increased opulence will descend to the future. They do not see that the chief inheritance they bequeath is a broad example of wrong committed and wealth unfairly gained without incurrence of risk or penalty. And the succeeding generation, thus corrupted before its birth by the worldly benefits awaiting its arrival as the result of such procedure, is not only forced into a defense of the sordid methods by which those riches were obtained, but is itself encouraged, in its turn, to continue the same policy of unfair acquisition from whatsoever class may appear to be its safest victim.

May it not be possible that in the treatment accorded to the red men by the American nation from its organization until 1839 is to be found an inciting cause of that insidious malady whereof fraud, corruption and violence

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[1] "A Review of the Sinister Phases of American History: Their Causes, Relations and Later Effects on the Thought, Practises and Life of the People," is a needed book which has not yet been written.

184.—An example of the numerous private medals and advertisements issued in celebration of the construction of the Erie Canal, and of similar early public improvements. Brass. Actual size. Date, 1823.

are the outward symptoms, which has since persistently spread and wrought such harm to the people? It was during the years under discussion, and through association and dealings with the Indians, that a large class of Americans first had the opportunity, yielded to the temptation, and applied on an extensive scale the corrupt art of getting something of great value for little or nothing. The practise, long existent in lesser degree, finally became general wherever and whenever chance for its use was possible, and was carried on by individual and government alike. Many of the methods used, together with the success attending them, have been suggested. So widespread, safe, productive and long-continued was the malign yet effective white system for self-enrichment at the expense of the natives that it affected, either directly or indirectly, a majority proportion of the population and all classes of society. Many frontier communities existed chiefly by virtue of the process. In distant cities, far removed from direct contact with the operation, were business men whose fortunes swelled through deeds or conditions they did not personally see. The government ceaselessly bought native territory at an average of a few cents an acre[1] and sold it to settlers at two dollars an acre, or else disposed of extensive tracts to speculators who fattened without labor at the expense of other factors in the transaction.

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[1] Less than 3½ cents an acre up to 1825. See Appendix.

The whole process was so simple and its immediate material profits so immense that the white race soon found itself gazing with complaisance on an almost national use of trickery, deceit, robbery and violence in the pursuit of gain. Those whites who were of contrary mind did indeed protest, but their objections were overruled by avarice and a predominant and perhaps partly genuine opinion — coming from exalted station as well as from the general public — that nothing but blessings to civilization could result from events and methods then in progress.

If an apportionment of responsibility for conditions then existing could now be made, it is probable that the chief burden would fall on those who, in high office, either yielded to the clamor of evil voices or themselves served as examples to the mass of the population. No people — when unmoved by the hysteria of warfare — has been more keen than this in estimating the essential qualities of its public men; none has been more quick to advance or halt in harmony with the will of real strength and leadership on the isolated occasions of their display. They have responded to the eloquence of honest purpose simply stated, and sensed the falseness of an unsound argument. When a President said he would use the power of the Federal Union to preserve to the Indians those rights guaranteed to them since the foundation of the government the country knew he meant it, and the destruction of the native commonwealths paused until a season more convenient for its accomplishment. During the years under review the people, as always, were balancing the words of public servants with their performances, and observing a general inconsistency between those manifestations of national policy, themselves proceeded along the indicated road of action rather than by the path of rhetoric. Thus the final tragedy was brought about.

Yet there was one bright side to the picture; bright, at least, in its ethical aspect. The Indians, in still forcing themselves to believe and to trust, reached in the consummation of their final defeat a height they could not have climbed by the aid of any alien civilization. It could only have been attained through the manifestation of their character as men. When they once again took up their western ways; without warfare, leaving behind their immemorial country fresh-covered by evidences of intelligence and thrift, and with courage set out to build anew in a distant land, they won a victory which need not fear comparison with the triumph of their conquerors.

At last they were alone and safe again. The ranks of their people were thinned and the new country was not as the one they had given up, but they were free of the ceaseless wrangle; free to grow. So they built their villages once more, planted their fields, re-established their affairs and clung to the words of the Great White Father; dreaming that some day they also might stand and speak in the vast stone Council House on the shore of the far Potomac.

When the native possessions east of the Mississippi had finally fallen into the hands of the white race, and the red men for a time had retired beyond easy access, the practises of which they had been the victims did not disappear. Their employment was shifted to a new quarter.[1] Instead of a substantially intact alignment of Caucasians against natives the white race became divided against itself, and the type that systematically seeks to gain wealth, power, or both, by fraud cloaked in outward respectability has since existed; not as a sporadic exhibit but as a large, recognizable, organized and material factor of society. Every basic method of the system first widely employed against the Indians has continued to flourish and has been deftly applied to new conditions as they arose. The general employment of violence against human life, together with popular indifference to the value of human life has also persisted. In governmental corruption, commercial immorality, crimes of violence and carelessness of human rights and welfare the United States has consistently held, since the era under discussion, a separate place among nations similarly advanced in the surface manifestations of civilization.[2]

The rise of such an abnormal condition predicates an inciting cause commensurate with its effect. If it be true that one origin of the grave dangers to popular welfare here enumerated is to be found in the methods employed by our predecessors in seeking wealth and aggrandizement at the expense of the Indian, then the nation has suffered memorable chastisement. And if these suggestions are sound, then it is not by adulation of earlier physical heroism or political patriotism that the needs of this and after times will be most surely satisfied. Only by searching into the darker pages of the national story; by analyzing motives; studying methods; observing results and gazing behind the panorama of superficial fame can we find inspiration to correct the present effects of mistakes already made and most surely fortify ourselves against the making of new ones. While we condone what should not have been done, so long will we tolerate eradicable consequences of former error and run the risk of more.

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[1] A comparison of the inter-relations of the whites in commercial and allied affairs of life—as those relations existed prior to 1789—with the similar inter-relations of the whites from about 1835 onward, discloses a marked alteration in the general standards of action by which those affairs were usually conducted. A new element, unfortunate in its influence, had apparently entered into the moral character of the people as a whole.

[2] Several of the present standardized methods of commercial trickery, fraud and unfairness, such as are employed against individuals, each procure for their users a revenue of more than a hundred million dollars a year, obtained from those whose trust is invited. The extent of governmental corruption in American cities and states during the past two generations, together with its relation to national legislation, require no comment. The annual murders of the country are numbered in the tens of thousands; other crimes of violence are in proportion, and several hundred thousand human beings are yearly killed or gravely injured by industrial processes, nearly all of which economic loss is preventable. It is proper to say, however, that during very recent years, and more specially during the four years devoted to the writing of this book, numerous encouraging indications of a public awakening to the significance of these perilous conditions, and of a desire to combat the disease of which they are symptoms, have appeared.

Whatever of blame may rest upon the people of America for certain methods it pursued in upbuilding and connecting the several parts of its present continental empire does not lie on scattered communities or states alone. The attitude of Georgia, Alabama and Mississippi toward Choctaw, Cherokee, Chickasaw and Creek was but motive-brother to the deeds committed by Ohio, Illinois and Indiana toward Wyandot, Sac, Shawnee and Potawatomi. If one region attained its end by intimidation and craft, so also did the other gain its purpose through the ruder but no less effective means of robbery, debauch and blood. And behind those commonwealths; behind official hypocrisy and governmental or individual wrong there could be heard the majority whisper of popular consent. An epoch is the picture of its people's morality. The stream of human events is a canal dug by human desire. The directness of its course and swiftness of its building is the measure of human agreement.

Without substantial accord of the Caucasian population the phase of the country's history here outlined could not have been written as it was. The most effective conspiracy is that which is without organized form. Each of its myriad members can disavow. Together, they accomplish. All are responsible for what is done.

We do not too severely chide the boy for the cruelties of unreasoning youth, no matter how wrong he may have been, but when he has come to his full strength and stature it is for him to look back and speak the truth in a man's fashion.

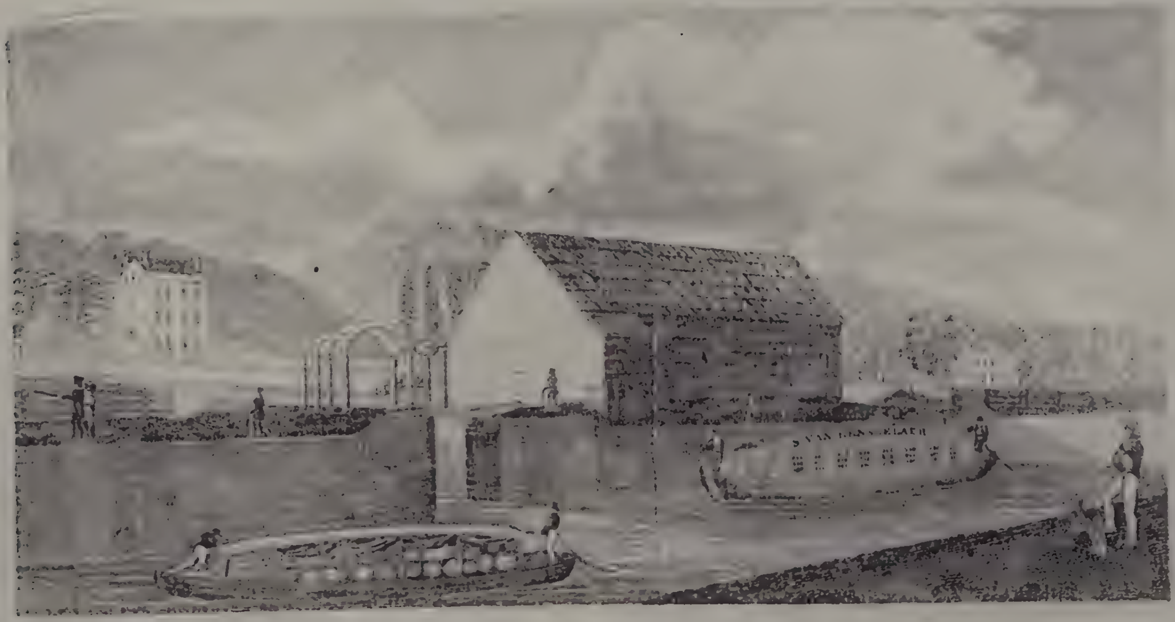
CHAPTER XXX

THE PEOPLE, SOCIETY AND NATURAL CONDITIONS OF THE MISSISSIPPI VALLEY AT THE COMMENCEMENT OF THE MODERN ERA — THE TASK WHICH BEFELL THE LAST PIONEER GENERATION OF AMERICANS — ISOLATION AND MENTAL SELF-SUFFICIENCY OF THE POPULATION —ITS CAUSES AND CONSEQUENCES — PECULIAR GOVERNMENTAL CONDITIONS AND STRANGE LAWS — RULE BY AN OLIGARCHY -- REGULATION OF TAVERNS, ROADS, FERRIES AND NAVIGATION — END OF THE RIVER PIRATES — OVERLAND TRAVEL ROUTES OF THE EXISTING FRONTIER

ONE of the subjects discussed by the convention which framed the Federal Constitution was the political and economic future of the region west of the Alleghany Mountains. It was proposed, among other things, that the country between the Alleghanies and the Mississippi River be kept subsidiary to the eastern states in order that the backwoodsmen might not obtain too much influence; that the future population of the interior be in some way controlled and restrained by the East, so that when—if ever—the Mississippi valley came to contain more people than the Atlantic coast states the rule of the wiser, wealthier and longer-established minority of the East might still prevail in giving shape to the destinies of the country.

In tracing the course of past events we have thus far observed the life, methods and habits of mind of the eastern cabin dwellers as they conquered the wilderness and penetrated it by their caravans, pack-trains and cumbersome wagons; we have followed the men who toiled on the rivers in their keel-boats, flatboats, barges and batteaux; we have watched the building of the first crude highways and the appearance of the periodic stage-coach; we have beheld the creation and later adoption of the steamboat, and we have witnessed the eviction of the red men from their eastern possessions. The part played in some of these developments by the men of the Mississippi valley was a large one, and it is apparent they could never have been kept in subjection to the East even if a constitutional plan for that purpose had been adopted. They would probably have fought the East for their own independence even more quickly than the original thirteen colonies resorted to arms against Britain for a like purpose. The united strength of both East and interior was necessary for the task of continental conquest by means of traffic routes. After the direction of human movement shifted from its north-and-south groove to the westward trend it was the men of the trans-Alleghany country, indeed, who thenceforth exercised a controlling influence on the complex course of events under review.

The East had created the first highways and established periodic travel on them while yet the general movements of population ran north and south along the Atlantic coast, but it was the backwoods pioneers of the Carolinas and Virginia who altered the direction of those roads and extended them far into the wilderness. It was the backwoodsmen who adopted the timber boats of the East to the interior rivers and on them floated into distant and little known regions. While business men, legislatures



185.—Lock leading from the Erie Canal to the waters of the Hudson River at Albany. Showing a loaded line boat and a passenger packet. Beginning a series of nine illustrations depicting the journey of a canal traveller from Albany to Lake Erie at Buffalo.

and courts of the East were seeking to restrict the use of steam and to convert steam-propelled vehicles into a licensed and country-wide monopoly it was men of the interior who first fought that purpose. And it was in the great central valley, and in the middle South, that the last scenes of the contest against independent Indian commonwealths were enacted.

The adoption and use of steam as a means of transportation on the rivers and the final struggle with the natives for possession of the land east of the Mississippi were two features of the story which moved side by side. Particularly was this true with relation to the years between 1810 and 1840. But those years contained other events calculated to make them even more important in the tale of national growth. They also witnessed the culminating point in the importance of stage-coach travel, the widespread but ill-timed resort to canals as arteries of commerce, and the sudden appearance of the railroad. The introduction of so many new factors into the ordinary life of the people within one generation produced an orgy of kaleidoscopic activity, a whirl of picturesque and confusing conditions, and a considerable alteration in the character and viewpoint of the people as a whole. It is, of course, true that the mental qualities of the population had been gradually altering with the slow passage of those blending and overlapping periods thus far discussed, but the change which came about during the era now mentioned was decidedly more sudden and radical. Within less than one short lifetime the people of the interior beheld a revolution in their surroundings, methods and material affairs that doubtless equalled—and perhaps surpassed in the extremes of contrast and visions of the future presented by it—any similar experience that has affected mankind in an equal interval. All those changes were due to their new devices for moving over the face of the country, and to the increased facility with which they met and communicated with one another.

The young men who penetrated to the interior on foot or by pack-train at the rate of ten or twenty miles a day were soon travelling in stage-coaches at a speed of seventy-five or a hundred miles a day. Families who floated down the rivers in flatboats, consuming weeks in their journeys, could in a few years embark on steamboats and be carried from Cincinnati to New Orleans in a week. Pioneers who once staggered through swamps to fight the Indians found themselves assembling, not long afterward, to discuss the building of a local railroad. Those incongruous conditions and situations, furthermore, often existed at the same time. The ark and steamboat lay side by side along the river banks; the east-bound stages still passed the west-bound pack-trains and Conestoga wagons; the last Indian fighting and the first railroad planning went on together. In his physical progress from place to place the average man of the period frequently started his journey on horseback, then resorted in turn to a steamboat, to a stage-coach and to a canal packet, and finally finished his travels on a little railway at fifteen miles an hour. His mental processes were no less interesting. It was an era of readjustment in thought as well as in material surroundings; an epoch in which the old and the new ideas for a time waged warfare. There were some—as always—who could not see what was happening. Conservatism and progress were again at grips in their immemorial contest, but this time the issue was more clear cut than usual and the result of the battle did not long remain in doubt.

One human characteristic that speedily developed as a consequence of the new conditions in which the people found themselves during the years in question was an extreme spirit of self-sufficiency and self-importance, manifested to a degree never before nor since approached by them. That this was true is not a cause for wonder, nor is it remarkable that the generation so affected should itself have denied the accusation. The white Americans were then somewhat in the position—with regard to the rest of the world—of a child of eight or ten without playmates, who, because of isolation, is growing into a savage boyhood possessed of the unfortunate and peculiar type of imagined wisdom which can only be attained through

186.—When a canal passenger failed to reach the starting place of a packet before its departure he was in no concern. He walked to the nearest bridge spanning the canal, waited the approach of the boat, and then leaped to its roof, some three or four feet below, as it passed under the bridge.

absence of association with others of its kind. They had no convenient standards for constant comparison and self-estimate; no near-by companions whom they might daily contemplate, and with whom they might mingle, play, and argue on occasion. They could only watch themselves and soliloquize. The life of a people is measured in millenniums, not in years, and this people was hardly out of its swaddling clothes. There is no cause for surprise that the infant nation was narrow-minded and self-centered, and that it gazed about with distorted vision, incapable for a time of seeing its relation to other and supposedly trivial details of the planet. It had begun to catch fantastic glimpses of its own destiny; it beheld the mirage of the Future.

In short, the situation was simply this: The white Americans—and especially those of pioneer location, spirit and action—having finally awakened to a realization that they had already accomplished numerous impossible things, and that they were in process of doing others of the same sort, were blinded to the still existing crudities and ignorance of their own generation, and unconsciously assumed an attitude that discounted the unknown wonders which they knew were coming. In addition to the deeds of their own age they cloaked themselves in the greatness of their children, and believed themselves already the elect of the earth in all particulars. This state of mind was necessarily most manifest in the interior, where knowledge of other peoples and civilizations was vague and almost negligible in its effect, and relations even with the older eastern communities were limited by the difficulty of communication with them.

Thus there arose an interesting state of affairs possible only among a people so isolated, with such a record of past endeavor, and in such a period of transition from old things to new. A generation exceedingly rough of manners and speech, familiar with hardships, living for the most part amid conditions immeasurably removed from those obtaining in older countries and with scant time for book knowledge or self-culture, had in one sense adopted an inner life which far outstripped its outward surroundings. Moreover that inward life and its attendant pride—based on the anticipation of excellencies dreamed but not attained—was apparently more real to its possessors and often more powerful in shaping their common acts and decisions than the hard material situation daily confronting them.[1]

So deeply did this attitude take root among the population, and especially among the western pioneers in the years soon after 1800, that widespread irritation—even anger—arose when foreign visitors, after journeys of investigation, wrote books about America in which more attention was given to frankly adverse criticism of the manners of the inhabitants and rawness of the country than to its unrealized destiny.[2]

Those Americans of the first four decades after 1800—touchy, enthusiastic, rough, crude, practical, and yet swept on by dreams—were the ones who created modern conditions by building the National Road, the canals and the railroads. And it was to be their sons who in turn were to overwhelm the western half of the continent in one tremendous human surge and finally unite it to the east by bands of steel. It is due to them, therefore, that before proceeding to the final events of the story in which they played so large a part that we take a little glimpse at the actual men whose constructive work is about to concern us. We shall perhaps have a better understanding for the things they did if we first get a little closer to their character and personality. And to accomplish this purpose it is not necessary for us to linger in the older cities. They also had their necessary share in the approaching tasks, but cities in a new and growing country rarely

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[1] The entrance of those qualities into the life of the people—the increased tendency to anticipate the future—was in a certain way illustrated by the contrasting receptions given by the public to the steamboats of Fitch and Fulton. The public many times saw Fitch's boat propelled at five miles an hour and was unable to grasp the future significance of the event. But the first time it beheld Fulton's boat do the same thing, about twenty years later, there was an immediate and general popular recognition of what it portended.

[2] Two such descriptions arousing the special ire of the American public were those of Captain Basil Hall, of the British Navy, and of Mrs. Trollope, the mother of Anthony Trollope. Mrs. Trollope's book really created a national furore. It was entitled "The Domestic Manners of the Americans." The three descriptions of America already mentioned in Chapter xviii—those of Cuming, Schultz and Michaux—avoided detailed discussions of the rough personal appearance, demeanor and habits that were intermingled with the numerous finer qualities of the western inhabitants, and, though honest in speaking of the difficulties of life in a new land, were therefore better liked. The Americans of the eastern cities, while appreciating the truth of some adverse published comment regarding the people of the interior, were nevertheless also angered by it because of their realization that crude conditions were for a time inevitable, and contained in themselves no valid indictment against the country.

187.—Packets rounding a curve on the Erie Canal. The big ditch followed the valleys of natural streams, and was also parallelled, in some localities, by country roads. Any individual or company choosing to do so could operate boats on payment of prescribed tolls, and scores of the craft were met or overtaken in the course of a day.

originate the deeper purposes of its people or control their larger undertakings. The cities of a new land, rather, are mirrors reflecting those policies and instruments whereby certain details of the work are done. So it was in America. The impulse which put its stamp most indelibly on our history between 1800 and 1840 was the determination of the interior valley to bring itself into closer touch with the East by means of new communication facilities. The East likewise recognized the importance of such an undertaking, but was more self-contained and so had less requirement for the impending change. It looked at the subject from a more narrow and mercantile standpoint. But to the region beyond the Alleghanies the need was indeed vital in every respect. There could be no extensive growth, no broad progress, no economic and social unity of the two sections, without it.

Whatever method of movement was from time to time under discussion during that generation—whether it was a national turnpike, canals or railroads—the building impulse itself and the most insistent cry came from the West. The first great governmental work in response to the need and in aid of better communications was a turnpike to the West. The first great canals were planned to reach the West. The first real railroads ran toward the West. In each case the actual process of building began in the East, but the cities of the older regions were only complying with an irresistible demand that came to them from across the mountains. So if we would enter into the actual spirit of those times, and behold the men really responsible for what was about to happen we must throw aside the retrospective attitude, leave the older communities, their colleges, busy streets, pretentious hotels and settled habits of civilization, and live once more amid the human figures who were out on the firing line of deeds and action.[1]

Some aspects of the social conditions prevailing in the Ohio valley at about the commencement of the nineteenth century have already been indicated in General Harrison's report of 1801. But that document dealt with matters connected with the race quarrel, and therefore failed to reveal innumerable other circumstances of life and human qualities which plead for attention in any consideration of the period and region involved.

At the time General Harrison prepared the document mentioned, and for a considerable interval both before and afterward, he and a few other men officially associated with him in the government of the Northwest Territory actually possessed, and sometimes exercised, an almost autocratic power. When the region now embraced in the states of Ohio, Indiana, Illinois, Michigan and Wisconsin was given a political organization it was so remote and inaccessible from the Federal government —as regards possibility of frequent communication—that the creation and enforcement of laws in the Territory was a matter of which the national administration knew little or nothing. It was inevitable that conditions of life in the vast and distant country north of the Ohio would produce situations requiring action by men having personal knowledge of them. Out of these things grew a state of affairs which—as far as civil government is concerned—was probably one of the most unusual that has ever developed in a land whose society was supposedly controlled by regulations having their source in popular

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[1] Since the descriptions and comments of many foreign visitors during that period were then insistently denied, and are still the subjects of controversy, no information gained from such sources is used in this and the following chapter for purposes of picturing Americans and pioneer American conditions of the time. All material of the sort here used is derived from American writers, from official publications, original manuscripts of Americans and files of contemporary native newspapers.

VIEW OF THE JUNCTION OF THE NORTHERN AND WESTERN CANALS.

188.—The passengers, unless they were experienced voyagers familiar with the operation, always gathered on the roof of the packet to observe the process of lifting or lowering it to another level by means of the locks.

rule. For some eleven years the Northwest Territory did not possess a legislature, and the whole body of its local law had its origin in the pronouncements of three or four men whose arbitrary decrees could not, in the nature of things, be closely watched by the general government. The Federal authorities sent out individuals to act as governor and judges, and with that procedure their active participation in the affairs of the interior ceased. The result was an oligarchy. The little group of men out in the northern forest not only decreed the laws, but interpreted them and enforced them. They embodied all the functions of legislative, judicial and executive authority. Two circumstances gave a reasonable measure of success to this unrepublican form of government. Those in whose hands lay the despotic power exercised it in the main with good judgment—according to the light of their surroundings. The Caucasian population whose lives, liberty and property were under the control of the oligarchy recognized its necessity, and by their actions toward one another—even if not toward the native peoples—made the task of their rulers somewhat less difficult than it easily might have been.

During the fifteen or twenty years following 1800 there was not much change in the relations between the white and red races of the interior valley. Acute situations sometimes arose,[1] but the ordinary status was a strong dislike and distrust of each race for the other, manifested by an interminable series of misunderstandings, differences and downright quarrels for which each side was in greater or less degree to blame. Those troubles were always made worse by the unfortunate fact that an overwhelming bulk of the Caucasians despised the Indians and would neither try to comprehend their position nor cultivate the Indian languages to a degree necessary for better interchange of ideas. Even the necessary official intercourse between white and red men, at military posts and elsewhere, was often hampered by an inability on the part of each group to use the speech of the other. This difficulty was at times a matter of record, and one case of the sort is indicated in a letter written by W. W. Morrison, commanding officer at Turmonds Station, in Indiana Territory, to his superior at Fort Harrison,[2] under date of February 18, 1816. The letter said:

"Sir I hope you will See the nesesety of a person at this Station who Can Speak the Ingin Language & I am informed that you have in your Companey Severell Frenchmen that Can Speak ingin I hope you will order one of them heir under my Command—the Ingins has Cald Severell time on mee I am at a Loss for a interpetor."

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[1] The most important of which was the outbreak led by The Prophet, connected with Tecumseh's aspirations for a native confederacy.

[2] The document was addressed to Lieutenant Lasselle, and the original is among the Lasselle Papers in the Indiana State Library.

The social conditions—unrelated to race troubles—that prevailed among the English speaking people of the interior near the close of the eighteenth century and the commencement of the nineteenth can be well shown by citing some of the laws under which they lived. The first oligarchy in charge of the Northwest Territory was composed of Governor Arthur St. Clair, and Judges Samuel Holden Parsons, John Mitchell Varnum and John Cleves Symmes, who assumed their responsibilities in the summer of 1788. One of its first decrees[1] defined the punishments inflicted on lawbreakers of various sorts. A man found guilty of burning a house was put to death, as were also traitors and murderers. A burglar was fined and lashed with thirty-nine stripes on the bare back and could then be imprisoned for any length of time up to forty years. A perjurer, after being fined in an amount not exceeding sixty dollars, might be given thirty-nine lashes, placed in a pillory for two hours and disfranchised. Larceny was punished by fine or whipping at the discretion of the court. If the man found guilty of larceny could not pay his fine, then the decree empowered the court to sell the convicted man into slavery, for a period not exceeding seven years, to any citizen who would pay the fine.[2] Forgery was punishable by fine, disfranchisement and committal to the public pillory. A drunkard was punished by fine or by being placed in the stocks for an hour.

By 1792 the oligarchy governing the Territory contained only one of its original members, and then con-

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[1] That of September 16, 1788.

[2] The judges of the court were themselves members of the oligarchy, and in their capacity as rulers they framed the law giving the power here described into their own hands.

189.—The poetry of travel by canal. Slipping through an Erie gorge on a moonlit summer night. Some of the skippers carried organs on board, and the passengers had concerts before turning in.

sisted of Winthrop Sargent,[1] John Cleves Symmes and Rufus Putnam. One of the decrees published in that year was designed to supply an important need of the pioneer society, namely, accommodations for travellers. It provided that:

"The commissioner for granting licenses shall have a power of establishing public inns and taverns." He was authorized to grant licenses "to such persons as the Justices of the General Quarter Sessions of the Peace in their wisdom may deem really necessary well qualified in person and character, well provided in accommodations for guests, and well situate in point of residence for the accommodations of travellers." The tax on such a license was fixed at sixteen dollars a year, and the tavern keeper had to "set up in a proper manner on the front and outside of his house a board or sign with his or her name written thereon and some device expressive of his business as a tavern keeper. . . . on which board or sign shall also be written in large fair letters 'By Authority a Tavern.'" The act also provided that if the tavern keeper "neglect or refuse to do his or her duty therein as well in providing good and wholesome food for man and beast as in keeping ordinary liquors of a good and salutary quality and suitable lodgings and attendance for guests in a reasonable and proper manner according to the common usage and custom of well-kept taverns in an inland country," the said innkeeper's license lapsed and he became liable to the traveller for any damages sustained through failure to provide the liquor, lodgings or food aforesaid.[1] By later decree on the same subject, dated June 17, 1795, the penalty imposed on a tavern keeper for failure to provide for a guest was reduced to five dollars. The number of inns was curtailed, and no one could conduct such an establishment unless recommended by a judge on pain of a fine of one dollar a day. The pronouncement of 1795 also provided that an innkeeper could not get his license in the first place until he had given a bond of three hundred dollars for his good behavior.[2]

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[1] The Acting Governor.

Nearly all the laws promulgated during succeeding years related to such matters as taxation, legal processes, court procedure, and offenses against public order. A curious decree of the last named sort, issued in May of 1798,[3] possesses unusual importance because of its revelation regarding a certain savage custom of those days. It read thus:

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[1] "Laws passed in the Territory of the United States North-West of the River Ohio, from July to December, 1792. Published by Authority. Philadelphia: MDCCXCIV."

[2] "Laws of the Territory of the United States North-West of the Ohio, Etc. By Authority. Cincinnati: MDCCXCVI."

[3] The oligarchy then consisted of Winthrop Sargent, John Cleves Symmes, Joseph Gilman and Return Jonathan Meigs, Jr.

> "Whosoever . . . shall voluntarily, maliciously, and of purpose, pull or put out an eye while fighting or otherwise, every such offender, his or her aiders, abettors, and counselors, shall be sentenced to undergo a confinement in the jail of the county in which the offense is committed, for any time not less than one month nor more than six months, and shall also pay a fine not less than fifty dollars and not exceeding one thousand dollars—one-fourth of which shall be to the use of the territory, and three-fourths thereof to the use of the party grieved; and for want of the means of payment, the offender shall be sold to service by the court before which he is convicted for any time not exceeding five years, the purchaser finding him food and raiment during the term." And the decree concluded: "The foregoing is hereby declared to be a law of the Territory."[1]

This phraseology relates to the strange early frontier practise of gouging out a human eye with the thumb. Contemporary literature relating to conditions in America about the year 1800 contains few references to the barbarism in question, and those mentions of it have often been challenged.[2] According to tradition the practise was not altogether an uncommon one, and its employment in a fight was usually contingent upon a mutual agreement or understanding of the participants. When two men engaged in combat, and it was agreed that the mutilation was permissible, it became the purpose of each man to pin his adversary flat on his back. Then the successful fighter would insert the end of his thumb in an eye socket of his opponent and deliberately gouge out the eyeball. It was then the privilege of the prostrate man to indicate, if he chose, that he was defeated, and by such admission he saved his other eye.

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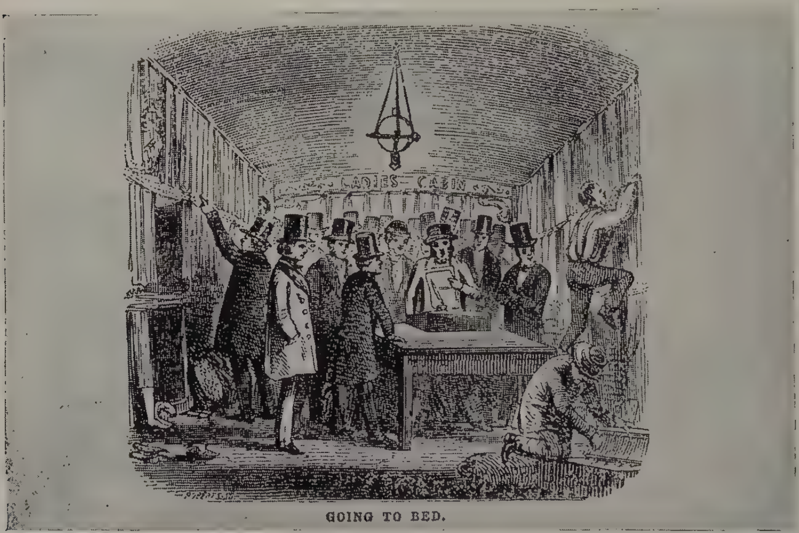
[1] "Laws of the Territory of the United States North-West of the River Ohio, etc., etc. By Authority. Cincinnati. Printed and Sold by Edmund Freeman: MDCCXCVIII."

[2] Probably the most widely known contemporary reference of the sort is that made by the English traveler, Charles William Janson, and contained in his "The Stranger in America." London: 1807. Similar comments, whether made by native writers or foreign visitors, were almost always based upon hearsay, and some later commentators on the period have expressed the opinion that contemporary writers who mentioned gouging from hearsay had been deceived by American frontiersmen who "pulled the long bow." But Janson says he was the spectator of an encounter between two men in which the deed in question was committed, and since he is possibly the only contemporary chronicler who makes such an assertion the dispute has been largely centered upon his statement.

The act of the rulers of the Northwest Territory in 1798, in framing the law above quoted, seems to be conclusive concerning the existence of such a practise as pulling out an eye. It also shows the extreme nature of the powers at times assumed by the oligarchy, for it provided that a man found guilty of the mutilation described might be sold into slavery unless he could pay the damages assessed against him. On this point the decree was not optional, but mandatory. It provided that the man "shall be sold to service." The law probably marked the last occasion whereon, in the United States, a white



190.—Going to bed on an Erie packet. Three tiers of bunks were erected along each side of the main cabin after supper, and the passengers were usually permitted to select their berths according to the order of their arrival on board. The women's cabin was similarly arranged. If the number of men travellers exceeded the number of beds, then the late arrivals slept on the floor or the supper tables. The captain is calling the roll and alloting the bunks.

man might be reduced to the status of a slave by governmental process.

Another beam of light—though of a very different sort—is cast on the territorial affairs of the Northwest through a letter written by General Arthur St. Clair in 1796, in which he cautions a government surveyor about the devices often used by settlers in obtaining title to undue amounts of land. The communication[1] was addressed to Colonel Robert Buntin, who had been appointed a surveyor by St. Clair in October of 1795 and who, at the time of the incident here told, was in Vincennes. The epistle was dated "Cincinnati, September 19, 1796," and read in part:

> "Be pleased to observe it [the work done by settlers to obtain homesteads] must be actual improvement, not the marking or deadening a few Trees or throwing a few loggs together in form of a Cabbin, which are very commonly called improvements, in which way two or three Persons in one single week could cover a large tract of country."

But it was the brief postscript to this letter which after all gave to it its largest historical value. St. Clair said in his postscript to Buntin:

> "I am not certain whether it was you or not that was appointed Treasurer. If it was not you let me know who it was, for it seems I neglected to remember it."

At this late day we can only hope that Governor St. Clair discovered the identity of his treasurer, and that his mnemonic system of governmental records proved more efficient on other similar occasions.

By order of St. Clair the first popular elections in the Territory took place in December of 1798, and the legislature—which consisted of a lower house of nineteen elected members and an upper house of five members[2]—

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[1] An unpublished letter among the Lasselle Papers in the Indiana State Library.

[2] Called the Legislative Council. Its members were appointed by the President from a list of ten names submitted by the lower house.

was finally organized in the autumn of 1799. Among the earliest laws passed by the assembly were three acts relating to the travel facilities of the region. The first of these was "an act to establish and regulate ferries." It provided that any citizen might establish a ferry after giving three months' public notice of his intention and securing a special act of authorization. The courts were empowered "to fix, from time to time, the rates which the ferry keeper shall hereafter demand for the transportation of passengers, wagons, carriages, horses, etc." A ferry owner was required to keep proper boats in operation during the daytime, and also at night unless night navigation was dangerous. For his services during the hours of darkness he was permitted to collect a double price, but if he overcharged at any time he was compelled to refund the ferriage and pay to the traveller two dollars in addition, as a penalty. This law made it an offense for any one but a public ferryman to transport "any person over any river or creek" within five miles of a public ferry, on penalty of a fine not exceeding twenty dollars.[1]

The second of the three laws mentioned dealt with conveyances commonly used in water travel and transportation. It provided that any one who found a "boat, flat, periague, canoe, or other small vessel" must give the authorities an exact description of it, which description was then officially posted on the court-house door. If the craft was claimed by its owner the finder was entitled to a reward of from fifty cents to a dollar, in accordance with the size and value of the boat. If it was not claimed within a year and was not worth more than five dollars, the boat belonged to the finder. If a craft worth more than five dollars remained unclaimed for a year it reverted to the Territory as public property.[1]

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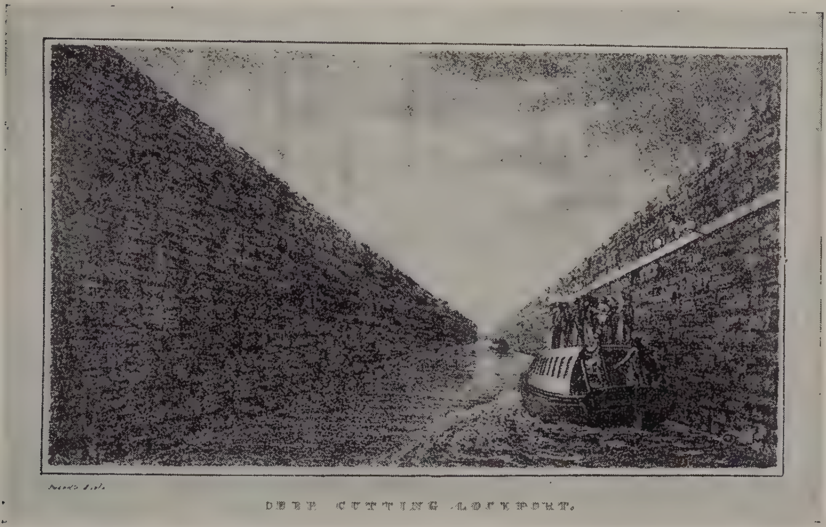
[1] "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the First Session of the General Assembly . . . at Cincinnati . . . 1799; Also, Certain laws enacted by the Governor and Judges of the Territory from the commencement of the Government to 1792. Etc., etc. Published by Authority. Cincinnati: MDCCC." The date of the act was November 15, 1799.

The third law provided for the construction of wagon roads on petition of the public, in case the requested roads were found to be desirable. The width of such thoroughfares was sixty-six feet.[2] The law also provided for a tax whose proceeds should be used in road building, ordered that male citizens contribute two days' labor during each year to such public work, and further directed that no citizen, while so working, might ask a traveller for either money or drink, on pain of a fine of one dollar.


DEEP CUTTING LOCKPORT.

191.—View of a passenger boat going through the deep cut near Lockport, shown in illustration No. 181. The animals and their driver walked on a narrow shelf high up on the wall of masonry at the right.

Although the year 1799 witnessed the end of oligarchical government in the region now embraced by Ohio, the same thing was not true in relation to the other parts of the Northwest Territory, of which the country now included in Illinois and Indiana was the only portion containing enough Caucasian population to justify attention.[1] "The Indiana Territory" was erected into a separate governmental jurisdiction in 1800,[2] and the oligarchy system was at once re-established there. The first three rulers were William Henry Harrison,[3] William Clarke and Henry VanderBurgh.[4] They met for the first time at Vincennes in January, 1801, and ordained ten laws, all but one of which related to methods of legal procedure and kindred subjects. The solitary act dealing with public improvements gave to the governor power to create public ferries by proclamation or otherwise.[5]

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[1] Ibid. Act of December 2, 1799.

[2] "Cart paths" 33 feet wide were also authorized.

Almost no attention was given by the Indiana rulers to the subject of public improvements during the remaining four years in which all executive, legislative and judicial functions reposed in the hands of three or four men. During their fourth session,[6] however, steps were taken to minimize the danger connected with navigating the rapids of the Ohio, where many flatboats and other craft had been lost each year for a long time. The governor was authorized to appoint competent pilots who should receive two dollars for every boat taken past the dangerous spot. The decree also provided that any unauthorized person who acted as pilot at that place should be fined ten dollars, although the owner of a boat was permitted to conduct his own craft through the rapids if he so desired. The only other public improvements law issued in 1803 provided for the construction of bridges where necessary, although the provision for the building of bridges was made in connection with, and subsidiary to, the erection of "jails, pillories, stocks and whipping posts."[1]

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[1] Early in the summer of 1800 the civilized population of the Indiana Territory was estimated at 4,875. John B. Dillon's "Oddities of Colonial Legislation in America, etc., with Authentic Records of the Origin and Growth of Pioneer Settlements," p. 543.

[2] By Act of Congress approved May 7. It took effect on July 4.

[3] Who had been confirmed as Governor by the Federal Senate on May 13, 1800.

[4] Clarke and VanderBurgh were two of the three judges for the Territory. They, together with John Griffin, had been appointed by President Adams and confirmed by the Senate on May 14, but Griffin does not appear by name with the others in printed records reciting the acts of the territorial rulers.

[5] "Laws adopted by the Governor and Judges of the Indiana Territory at their First Sessions held at Saint Vincennes, January 12, 1801. Published by Authority. Frankfort, (K.) 1802."

[6] Held at Vincennes from September to November, in 1803.

One of the miscellaneous decrees ordained by the three men who ruled Indiana Territory in 1803 is especially illustrative of the sharp line drawn by the Caucasian pioneers between themselves and all other classes of society. The triumvirate during its fourth session prepared an elaborate code of civil and criminal laws which among other things provided that "no negro, mulatto or Indian shall be a witness except in the pleas of the United States against negroes, mulattoes or Indians, or in civil pleas where negroes, mulattoes or Indians alone shall be parties."[2]

General Harrison at the time in question—as he had been when he wrote his report of 1801—was Governor of the Territory. He was also the Indian Agent of the Federal government in the Territory, and, as now further appears, he was also one of three men who proclaimed all the conditions under which lived every individual of every race in the Territory. He interpreted the laws of which he was joint author; enforced those laws according to his own interpretation; and, with his two colleagues, had power over the life and liberty of his fellow men. Thus embracing within one personality an authority all but unique in modern times—especially in a state ostensibly under republican form of government—General Harrison promulgated the act here quoted and established, under the law, the racial cleavage created by it. By the terms of this decree no white man might be charged by an Indian with any crime or other wrong against native life, rights or property. In such a case Indian testimony was non-existent, irrespective of the character and reputation of the native or natives involved. When considered in connection with the official positions held by General Harrison, and especially when considered in contrast to the sentiments contained in the report written two years before, the law of 1803 has unusual interest and suggests

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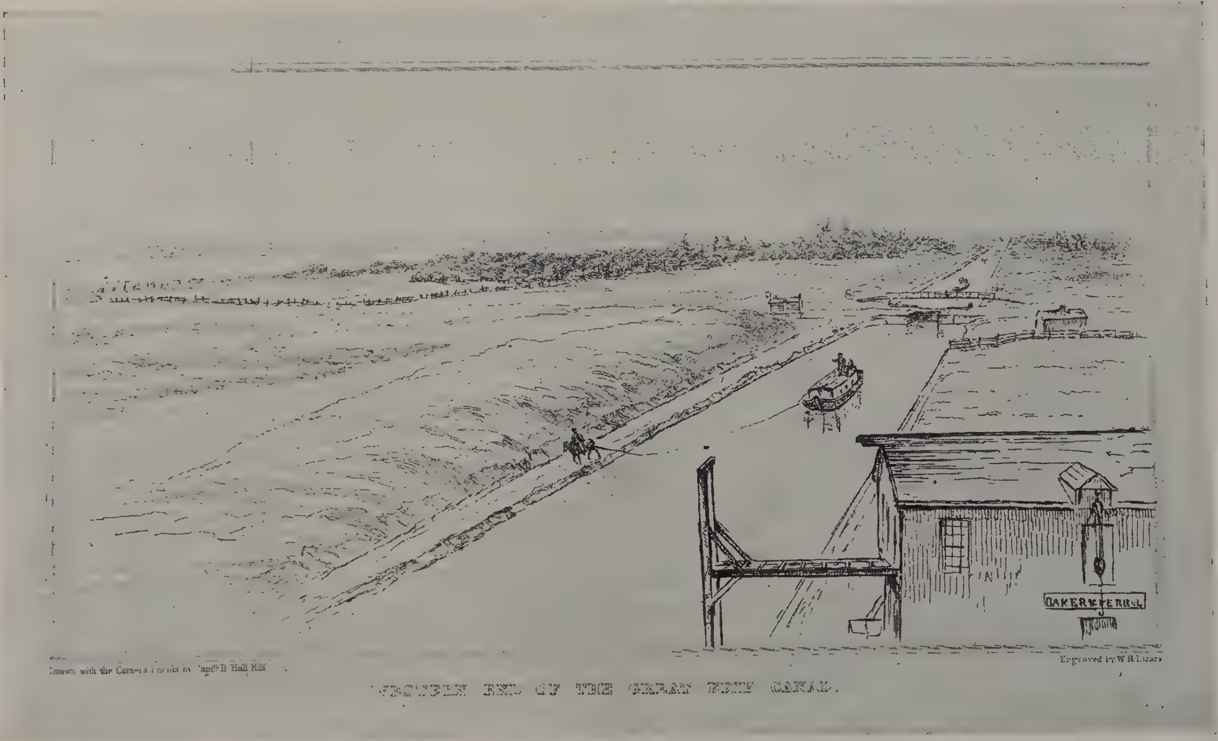
[1] The two decrees last mentioned are to be found in "Laws Adopted by the Governor and Judges of the Indiana Territory at their Second and Third Sessions, begun and held at Saint Vincennes 30th January, 1802, & February 16, 1803. Published by Authority. Vincennes, (I. T.) 1804." This volume also contains the decrees resulting from the fourth session of the oligarchy, in whose membership Thomas T. Davis had taken the place of William Clarke.

[2] Paragraph twenty-first of the first act of the Session. Text contained in the volume last mentioned.

the ARIEL. VOL.

192.—Four days and fourteen hours out from Albany, westward bound. Approaching the series of five locks at Lockport, thirty miles from Buffalo, by which boats were lifted for 62 feet to a higher level.


BAKER & FERRELL
Drawn with the Camera Lucida by Captn B Hall R.N.
Engraved by W.H. Lizars
WESTERN END OF THE GREAT ERIE CANAL.

193.—At last, with a long stretch of excavation that ran straight as an arrow for miles, the canal reached the lake from which it took its name.

the existence of deep and powerful Caucasian desire in accordance with its provisions.

In setting up the oligarchical governments that ruled the Northwest Territory from 1788 to 1799, and that afterward administered the affairs of the Indiana Territory from 1801 to 1805, the Federal Congress reserved to itself the right to disapprove such laws as were promulgated for the control of those distant regions. But in the nature of things there could be little or no interference by the national legislature in such pronouncements as have been cited. The legislators from the old established states of the East could have but vague knowledge of conditions in the remote West, and were of necessity forced to leave the affairs of that far country in the hands of the men designated to administer them. It was not possible for the central administration to keep in touch with circumstances on the frontier. Sometimes as much as six months elapsed during which no official communications from Washington reached General Harrison at Vincennes. The decrees of the oligarchy were put into effect upon their utterance, or quickly thereafter. They could not await the long time necessary for their submission to Washington, their consideration there, and the return of an approval or veto. If Congress had been in the habit of vetoing such laws, many months or a year after their promulgation, the Northwest could never at any time have known what was lawful and what was not. The result would have been a region without any law. And besides, Congress was not always in session.

Whatever sentiment existed in Congress toward General Harrison and the Indiana Territory laws must have been favorable, for in the year 1804[1] all that immense part

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[1] By act of March 26.

of the recently acquired territory of Louisiana lying west of the Mississippi River and north of the thirty-third degree of north latitude[1] was attached to Indiana Territory under the name of the "District of Louisiana," and placed under the control of General Harrison and his colleagues.[2] During the year in which this arrangement was continued[3] Governor Harrison and the two or three men associated with him had immediate jurisdiction and power over a region containing not far from one million square miles, and all the human beings who inhabited it. In October of 1804 they met at Vincennes and issued decrees for the enormous country under their administration. But in 1805[4] a segment of Indiana Territory was detached from it and erected into the separate Territory of Michigan, and the same year witnessed the creation of the first Indiana legislative assembly. With the advent of that elective body ended a period of seventeen years during which time a very large part of the interior and its people had almost constantly remained subject to the peculiar governmental system here described. With the appearance of a popularly elected assembly in Indiana Territory that district entered, after the usual pioneer fashion, upon a course of progress having to do with better communication facilities and convenience in using them.

Human overland movement in the West was then confined almost entirely to travel on horseback,[5] and as a consequence any offense against the one means of locomotion was punished with exceptional severity. During its first session the Indiana assembly passed a law providing that if a person stole "any Horse, Mare, Gelding, Mule or Ass," he should for the first offense pay to the owner the value of the animal, should be imprisoned until said value and costs were paid, and should receive from fifty to two hundred lashes on the bare back. The act provided that for a second offense the offender should "suffer the pains of death."

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[1] The boundary line of the modern state of Louisiana.

[2] The Governor and Judges of the territory were invested with authority to exercise over the District of Louisiana powers similar to those they were authorized to exercise for the maintenance of government in the Territory of Indiana.

[3] Louisiana District was detached from Indiana Territory by act of Congress on March 3, 1805. It had been attached to Indiana March 26 of 1804.

[4] By act of January 11, taking effect on June 30.

[5] In which feature the conditions there existing constituted a repetition of the era that had prevailed a century and a half before, in the Atlantic coast regions, only a few hundred miles to the eastward.

During the same session the assembly provided that all citizens should be compelled to work twelve days of each year in the creation of public roads, and made provision for the introduction of taverns. The law stipulated that tavern licenses could only be issued by courts, and the courts were in addition authorized to establish the rates to be charged against travellers by the tavern keepers. If an innkeeper presumed to collect any higher amount than that fixed by the court, his license was forfeited and he was compelled to pay twenty dollars to the complainant.[1]

The days that had intervened between Boone's journey and the close of the century had been marked, in the interior, by a hurly-burly of confusion and violence. But at last a systematic effort was on foot to bring about a more settled state of affairs. The inflowing horde of whites no longer remained close to the rivers and first settlements, but scattered rapidly over the country. The task of suppressing disorder, which had previously fallen in large measure directly on the people themselves, was more actively undertaken by state, territorial and local authorities. This endeavor was shown by the nature of certain laws here mentioned. New exertions were made to increase the security of travellers both by land and

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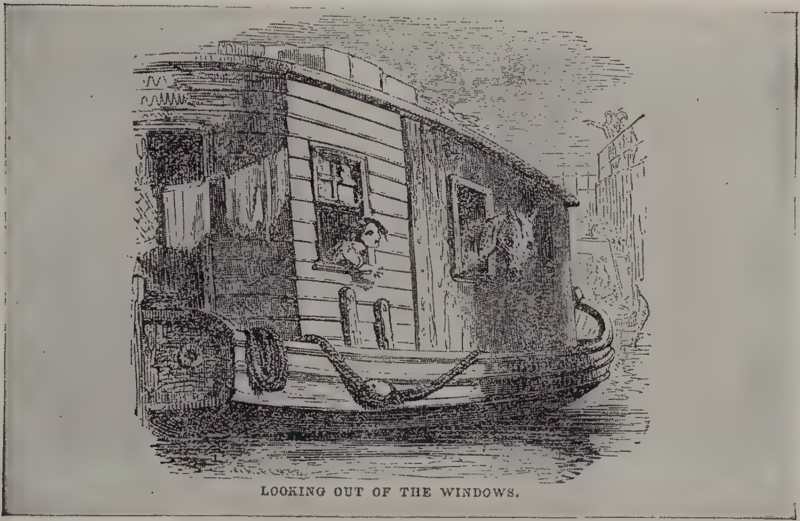
[1] The early enactments of the First Indiana Territorial Assembly here mentioned are contained in "Laws Passed at the First Session of the General Assembly of the Indiana Territory, begun and held at the Borough of Vincennes, on Monday the twenty-ninth of July in the year 1805. By Authority. Vincennes: Printed by Elihu Stout. (1805.)"


LOOKING OUT OF THE WINDOWS.

194.—Some of the families whose men-folk spent their lives in canal work lived in boats that were furnished after the manner of houses. Even the family horse was kept on board.

water. The severity of punishment visited upon horse thieves represented in part a determination to insure safety and speed in movement from place to place.

Nor were the river pirates overlooked. Although they had long been a danger to travel on the Ohio and some of its tributaries, no official effort had as yet been made to destroy them and put an end to their operations. But this matter of safety on the Ohio was taken up by Kentucky soon after the opening of the century. It will be remembered that Cave-in-Rock was a favorite haunt of the river desperados, and at the time Kentucky began her fight to exterminate them the most active group of pirates was believed to contain about thirty members. Kentucky went to the extent of organizing a military expedition against the outlaws, and the militia met them in battle and came out of the fray victorious. A considerable number of the criminals were killed and the remainder were dispersed. Organized attacks on flatboats and other river craft never became popular afterward, and one danger of river travel disappeared. But the conflict that brought safety to river voyagers proved a curse to some of those emigrants who had occasion to journey overland through the South. The survivors of the pirate band, after their defeat, united under the leadership of three famous bandits named Mason, Corkendale, and Harpe, and for several years infested the region of southern Tennessee and northern Mississippi, where they killed and robbed travellers almost at will. Finally their operations became an intolerable scourge and the governor of Mississippi Territory offered a reward of five hundred dollars for the capture of Mason. The highwaymen heard of the offer, and two of them turned traitors to their chief and put an end to him. Then the two fell into a debate concerning the best method of proving their exploit and securing the promised money. This problem they solved by cutting off Mason's head and carrying it to Natchez, where, after a discussion with the authorities, and conferences between the authorities, the five hundred dollars was duly paid over to them. The two bandits were then arrested, tried, and executed, and as no heirs appeared to claim their estate—which consisted of the aforesaid five hundred dollars—the money duly reverted to the treasury of the commonwealth. The conferences of the territorial officials which preceded the payment of the reward may have had some connection with the final outcome of the case.

The pioneers who penetrated into the Indiana and Illinois country during the first fifteen or twenty years after 1800 encountered natural conditions that were substantially identical with those which had surrounded the New

Cave-in-Rock, the principal haunt of river pirates on the Ohio during the age of flat-boat travel. From a drawing by the American painter, Carl Bodmer, about 1835. F. C. Col. English.

England pioneers more than a century and a half before. The region north of the Ohio River, and extending westward from the Ohio boundary to the Mississippi River, was girdled by long-established Indian trails, and those were at first the only routes used by the newcomers. In Indiana the elaborate system of native paths seemed to converge at two points, from which they radiated somewhat like the spokes of a wheel. One of these junction spots of native travel lay on the White River, where it is joined by a small tributary now known as Fall Creek. To this spot extended a trail from Vincennes, another from the falls of the Ohio,[1] another from the White Water River,[2] and still others that reached down from the Potawatomi, Miami and Delaware towns in the north.

The other nucleus of native trails was the important Miami town called Ke-ki-on-ga, the present site of Fort Wayne. It was Ke-ki-on-ga, with its radiating system of various routes, which was described by Little Turtle, in his address to General Wayne at Greenville, as "that glorious gate . . . from the North to the South, and from the East to the West."

The first two distinctively Caucasian overland roads into the Indiana region were at first known as the "Berry Trace" and the "Whetzel Trace."[3] The Berry Trace was the principal path of white travel northward from the Ohio River into the interior of the territory, and for a considerable part of its distance it was merely an improvement on the pre-existing Indian trail extending northward from the falls of the Ohio to the White River. The

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[1] At present followed by the tracks of a railway extending northward from Jeffersonville to Indianapolis. This trail was used by the Potawatomi, Miamis and Delawares of the upper Indiana country in their annual journeys to the neutral hunting grounds of Kentucky.

[2] This route is now occupied by the Pennsylvania Railroad.

[3] The first named was marked out by Captain John Berry, and the other by Jacob Whetzel, one of the members of a family that played a prominent part in the pioneer development and race wars of the interior.

THE LINE-BOAT CABIN.

195.—The living quarters on a boat of the sort shown in the preceding. It may be an interior view of the same room from whose window the woman is looking.

Whetzel Trace was the principal line of white travel into the interior of Indiana from the Ohio region and the East.[1] For a part of its extent it was really created by white men. Whetzel and his son Cyrus and four companions, all armed with axes, chopped their way westward through the forest for many miles during the year 1818, clearing a roadway sufficiently wide for the passage of a team—although there were then practically no teams to use it. The labor of Whetzel and his companions found an end only when they had penetrated to the interior of the state, where they at last reached the Berry Trace that led southward to the Ohio River.[2] The Whetzel Trace was used by incoming white settlers from the East until about 1826. They followed its course westward until they came to its intersection with Berry's road, and then continued northward along that thoroughfare and the Indian trails leading still farther north toward Ft. Wayne. Numerous lateral trails diverged to all parts of the territory from the trunk lines of aboriginal travel already mentioned, and in later years, after the new state had begun its own road building, it adopted the routes followed by native paths in many cases.[1]

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[1] It began toward the eastern boundary of the territory, near the present town of Laurel in Franklin county, and extended in a generally westward direction to White River. A discussion of the first white traces of Indiana Territory, and of the preceding system of Indian trails, is to be found in Cottman's "The First Thoroughfares of Indiana."

[2] The junction point of the Whetzel and Berry Traces was in the central part of Johnson county, south of and not far from the site of Indianapolis.

The Illinois country also contained several local points from which Indian highways radiated. Two such places in the southern part of the state were Kaskaskia and Fort Massac,[2] and similar situations in the north were Black Hawk's village[3] and the present sites of Chicago and Galena. An important native path extended across Illinois from Galena to the neighborhood of Chicago,[4] and a similar thoroughfare joined the Sac and Fox settlement on Rock River with the southern end of Lake Michigan. A third trail connected Kaskaskia and Fort Massac, and still another forest trace united the northern and southern parts of the territory. These native routes through Illinois constituted the first roads used by white settlers in their overland journeys through that region. Not until 1827 did the white men have a road of their own making in the northern part of Illinois. In that year a path called "Kellog's Trail" was opened between the settlement of Peoria, in the north-central part of the state, and Galena in the extreme northwest corner. Kellog's Trail made it possible for the people of southern and central Illinois to penetrate into its northern parts over a thoroughfare created by themselves.

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[1] "When James Blake and William Conner viewed, as commissioners, the first road between Indianapolis and Ft. Wayne, they found that after leaving White river they could not improve upon the judgment of the Indians as shown in their old trails." Cottman's "The First Thoroughfares of Indians," p. 13.

"One of the earliest wagon-ways out of Indianapolis, . . . which led to Wayne county before the coming of the National Road, was laid out on the White Water trail." Ibid, p. 14.

[2] An important frontier junction point on the Ohio River, nearly opposite the mouth of the Tennessee.

[3] On Rock River, about three miles above its junction with the Mississippi.

[4] Later to be followed by a railroad.

The custom of blazing the trees along a wilderness road, which was brought into the interior by the pre-revolutionary pioneers, was continued in the Middle West during the period under discussion. But the later western men improved on the practise. Besides blazing the ways through the forest they adopted a method of showing the distances that had been traversed. At the end of each mile —as nearly as the distance could be determined—a prominent tree at the edge of the trail was selected, and on its trunk were carved large and deep numerals indicating the number of miles from the starting place to the point thus marked. The figures cut into the tree were then painted red in order that they might be still more noticeable.

The primitive communications system of Illinois was united to that of Indiana by the native trails on the north, by the Illinois and Wabash Rivers, and by the Ohio River on the south. The Indiana paths, in turn, were linked with those of Ohio by the Ohio River on the south and by the native highways extending eastward from Ke-ki-on-ga to Sandusky, to the western end of Lake Erie, and to Detroit. Three trails extended northward through the forests of central and western Ohio. The easternmost of these proceeded from a little settlement called Columbus to a line of forts called Morrow, Ferree, Seneca and Stephenson. Somewhat farther to the westward a second Ohio trace ran north from Springfield to military stations named Forts McArthur, Necessity, Finley and Meigs.

The third Ohio forest path reached from Dayton, on the south, to Forts Lorain, St. Mary, Amanda, Jennings, Brown and Defiance. All three of these Ohio wilderness highways were connected in the north by east-and-west traces, and at Fort Defiance the north-and-south trail of western Ohio joined the native highway proceeding eastward from Ke-ki-on-ga, in Indiana.[1]

The methods whereby travellers from the East reached the Ohio country before the introduction of periodic travel in that region have already been considered. On their arrival in Kentucky or in southern or western Ohio they were enabled, by means of the natural and native routes here outlined, to penetrate through nearly all the northern territory east of the Mississippi River.

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[1] The early western system of overland travel communications, as above outlined, is well shown on the large folio map of "Ohio and Indiana," in the "American Atlas," published by H. S. Tanner in 1819.

CHAPTER XXXI

A MORE INTIMATE VIEW OF THE PERSONALITY, CHARACTER, THOUGHTS, HABITS, SPEECH AND MANNERS OF THE LAST PIONEER GENERATION, FROM ITS OWN CONTEMPORARY RECORDS — WHEELED VEHICLES APPEAR IN THE INTERIOR — TRAVEL ADVENTURES OF A POLITICAL CANDIDATE — A VISIT TO CHICAGO IN 1822 — ECONOMIC IMPORTANCE OF THE HORSE AND MATTERS GROWING THEREFROM — A NEW TRIAL DECLINED BY A HORSE THIEF — COURT SCENES, PROCEEDINGS AND TESTIMONY IN OTHER SORTS OF CASES — A WHITE MAN HANGED FOR THE MURDER OF AN INDIAN — THE INTRODUCTION OF THE NIGHTSHIRT INTO INDIANA TAVERNS — DAVY CROCKETT TELLS A STORY OF FLATBOAT LIFE — THE VALUE AND PURPOSE OF AN INQUIRY INTO THE CHARACTER OF THE LAST PIONEERS — A NEW WILDERNESS CONFRONTS THEM

SUCH were the social conditions and travel routes found in the interior during the first two decades of the nineteenth century by those restless multitudes who came from the East by means of their horses and boats, or on their own feet. On such a primitive foundation the settlers were destined to erect, in little more than a generation, the edifice of a new and modern society connected with the Atlantic coast by turnpikes, canals and railroads. Those are the people whose characters and habits—during the years while they still remained a comparatively isolated community—we are about to observe. The testimony here presented concerning them and their lives during the interval in question will consist of records left by themselves. And since one of those pioneers afterward preserved in written form a mass of unusual detail concerning the daily affairs of the people among whom he lived it is well to indicate, in his own words, the conditions found by him on his arrival amid the scenes in which his later life was to be passed.[1] In describing them, he said:

> "At the time I came to the state [Indiana], in March, 1817, there was not a railroad in the United States, nor a canal west of the Alleghany Mountains . . . Fire was struck by the flint and steel; the falling spark was caught in punk taken from the knots of the hickory tree. There was not a foot of turnpike road in the State and plank roads had never been heard of; the girdled standing trees covered the cultivated fields; . . . not a bridge in the State; the traveling all done on horseback, the husband mounted before on the saddle, with from one to three of the youngest children in his arms—the wife, with a spread cover reaching to the tail of the horse, sitting behind, with the balance of the children unable to walk in her lap; not a carriage nor buggy in all the country."[2]

The pioneer chronicler made an error in the passage just quoted. He said there was "not a carriage nor buggy in all the country." He was living in the interior of Indiana, and did not know that a few vehicles such as he described had already appeared in the southern and more settled parts of the region. On another page is reproduced an official document issued by the infant commonwealth—then one year old—and showing that a resident of the town of Vincennes had paid a tax of two dollars for the privilege of owning and using for one year "a two-wheel carriage

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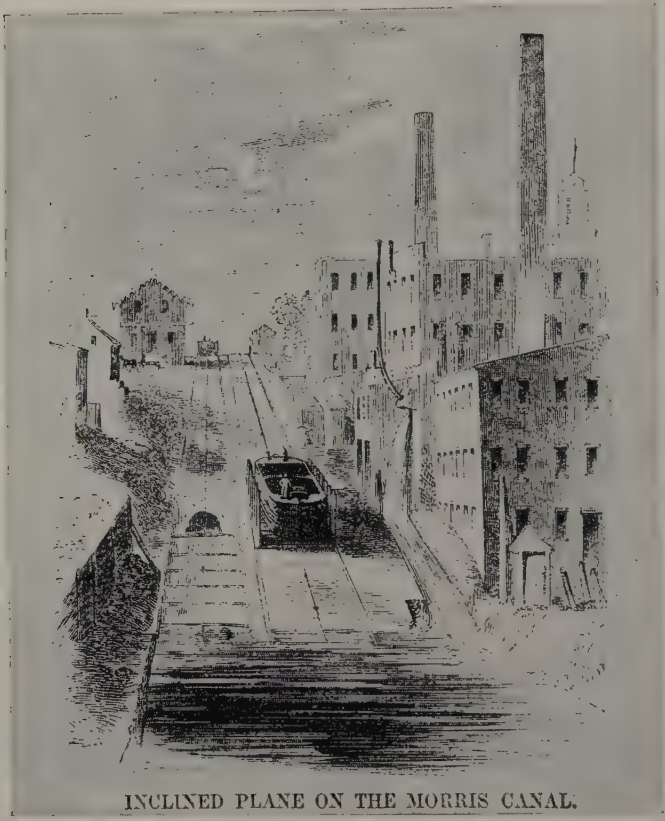
[1] The individual to whom reference is here made was Oliver H. Smith, one of the prominent figures in the early group of Indiana pioneers. He was a circuit lawyer, a state lawmaker and United States Senator. His descriptions of the people among whom he lived are narratives of personal knowledge. His anecdotal history of the Middle West was published in Cincinnati in 1858 under the title, "Early Indiana Trials; and Sketches." Statements or stories quoted from his book are hereafter indicated by the foot-note "Smith."

[2] Smith, p. 116.



INCLINED PLANE ON THE MORRIS CANAL.

196.—Scene on the Morris Canal, in New Jersey. On this canal the boats were lifted and lowered 1,334 feet to different levels by means of twenty-three inclined plane railways. Only 223 feet were overcome by the lock system. The boats were eight and a half feet wide and from sixty to eighty feet long.

for the conveyance of persons called a chaise." So there can be no doubt that travel vehicles of the sort described had reached Indiana by the year named, although the action of the state in putting a tax upon them indicated that such things were regarded as luxuries—which they undoubtedly were.

Other taxes imposed by the territory and state of

Indiana at about the same time shed further light on social conditions in the region. Between the years 1804 and 1807 a man who sold merchandise by retail was required to pay an annual sum of fifteen dollars. By 1817 this merchandising tax had been increased to twenty-five dollars, but the retailer was also permitted to sell wines and liquors as well as shoes, clothing, groceries and such things. A tavern keeper was required to pay an annual license fee of twelve dollars in 1813, and in 1816 the similar amount had been raised to twenty dollars, at which figure it remained at least until 1819. From earliest days the western people were imbued with a craving for playing the games known as billiards and pool, and the heavy tables required for that amusement were shipped into the interior on flatboats at large expense. The paraphernalia in question were always taxed, and in 1816 the proprietor of a billiard table was assessed no less than fifty dollars for the privilege of maintaining it in his establishment.[1]

In continuing his narrative of early western conditions Smith wrote:

> "I stood . . . on the site of Indianapolis, the capital of our State, when there was scarcely a tree missing from the dense forest around it. I passed through the wilds of Marion [the name of the county] on my pony, upon the winding Indian path, when the bear, the deer and the wolf sprang up before me. . . . I recollect when the commerce of Marion and the infant capital was carried between Cincinnati and young Indianapolis by the semi-monthly six-ox train. . . . This was the second stage of commercial operations in Marion; the single horse and the pack saddle being then employed in carrying the mail, the letters and papers having become too bulky to be carried in the pockets of the mail boy."[2]

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[1] There was a peculiar tax in vogue in Tennessee, at a little later period, the underlying reason for which is not very clear. For a time during the third decade a law of the state provided that travellers or other people who were moving up-stream on any of the rivers in the western district of Tennessee must pay a tax if they sold groceries, during such up-stream trips, to the inhabitants of the regions they penetrated. This law was not operative against people who were simultaneously moving down-stream on the same rivers. In 1829 the act was amended, and such up-stream travellers were relieved of the tax during the months of April, May, June, October and November, although it remained in effect during the other portions of the year.—"Acts passed at the Stated Session of the Eighteenth General Assembly of the State of Tennessee, 1829. Nashville; 1829."

[2] Smith, p. 287.

Although the population of the western country increased rapidly during the years immediately following Smith's arrival, the travel conditions encountered by the people did not alter in any material degree in much of the region north and west of Ohio until subsequent to the year 1830. Nine years after Smith had reached his new home he found himself a candidate for Congress, and in his memoirs he told of a campaign trip which he made between the towns of Indianapolis and Ft. Wayne in 1826. His description of the journey ran:

> "There were no roads, nothing but Indian paths, to travel at that day through the wilderness. . . . The streams were high and the path for miles under water in places. . . . I rode in that campaign a small brown Indian pony, a good swimmer.[1] . . . The path wound around the ridges until the river [Wabash] came full in sight. . . . The moment we reached the river the Indian[2] jumped down and . . . was out of sight in a moment in the woods, and I saw nothing of him for an hour, when he returned with the bark of a hickory tree about 12 feet long and 3 feet in diameter. A fire was soon made. The bark was metamorphosed into a round-bottomed Indian canoe. . . . The canoe was launched; my saddle, saddle-bag and blanket placed in one end, and I got in the other. With my weight the edges were about an inch above water. I took the paddle, and, by using the current, landed safely on the other shore.[3] The Indian swam the horse over. . . . It was after twilight when I came to a large lake directly in my way. Fearing to go on, I turned the pony and rode out into the woods, to a beech tree that had been blown down some time before. Dismounting, I tied the pony to the brush of the tree, took off the saddle-bag and blanket, and laid down, without anything to eat, and very tired. In a few moments I heard the howling of wolves in every direction, sometimes close to me. The last thing I heard, as I fell asleep, was an old wolf barking some 20 feet from me. I slept soundly through the night, and when I waked the sun was full in my face. At dinner I was at the hotel table at Fort Wayne, with an excellent appetite, having eaten nothing from early breakfast the day before. I made a speech that day from

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[1] All western horses used for travel at that time were thoroughly trained in the art of swimming.

[2] It was a usual thing for travellers through unknown districts to employ native guides.

[3] ~~The incident is reminiscent of~~ the experience related by Mistress Knight, of Boston, regarding her journey from Boston to New York about a century and a quarter before. One of the same travel methods employed with such trepidation by the New England schoolmistress was still commonly in use only a few hundred miles west of the spot where her canoe adventure took place.

> the porch of the hotel. . . . I received just ten votes in the county to reward me for my perilous trip.[1]

During this same campaign of 1826 Smith one day borrowed a buggy which he intended to use on a road that permitted such an exploit. The vehicle had recently been brought from New England by a neighbor named Lovejoy, and had occasioned considerable talk. But after brief thought the candidate reconsidered his determination to move about the country on wheels, and he afterward gave his reason thus:

> "I borrowed it to ride to Wayne County, but I gave up the buggy and took my horse, for fear the people would think me proud, and it would injure my election."[2]

On another occasion in the campaign of 1826 Smith and his adversary[3] engaged in a joint debate at the town of Allenville, and he later referred to the incident in his memoirs.

> "The whole country was there," he said. "The judge was speaking, and for the first time introduced the new subject of railroads. He avowed himself in favor of them . . . and then, rising to the top of his voice: 'I tell you, fellow citizens, that in England they run the cars 30 miles an hour, and they will yet be run at a higher speed in America.' This was enough. The crowd set up a loud laugh at the expense of the judge. An old fellow standing by me bawled out: 'You are crazy, or do you think we are all fools; a man could not live a moment at that speed.' The day was mine."

At another meeting in joint debate the two candidates discussed the tariff. "The people knew but little about it," said Smith, "but what they had heard was decidedly against it. . . One old fellow said he had never seen one, but he believed it was hard on sheep."[4]

Despite the deplorable lack of appreciation displayed by Wayne county in giving him only ten votes Smith was elected, and he started from Indianapolis to Washington in November of 1827. He made the trip on horseback, and rode to the national capital in the short time of seventeen days. In commenting on the journey he afterward explained in his history that he could have availed himself of stage-coach accommodations for part of the distance, but preferred not to do so. "Stages were all the go," he declared, "and travelling on horseback fast going out of fashion."[1]

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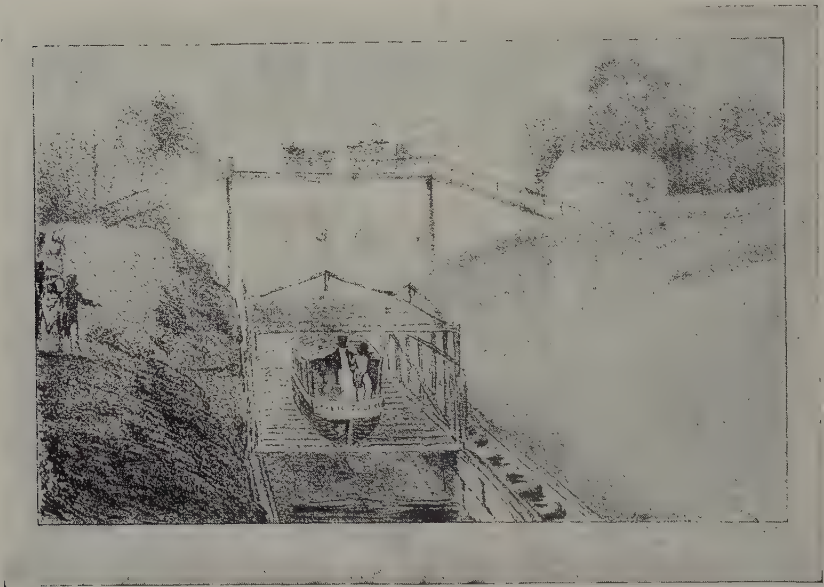
[1] Smith, pp. 81-2.
[2] Smith, p. 116.
[3] Judge John Test.
[4] Smith, p. 80.



197.—A Morris Canal boat was floated upon a massive wheeled cradle made of heavy timbers. There it was fastened, and the cradle was pulled up or let down the inclined plane by means of rope cables. On reaching the new level the cradle ran beneath the water on submerged tracks, and the boat was released and floated free again.

The conditions of overland travel in the Illinois country during the same years were identical with those just described. White men were wandering over the land in all directions; extreme interest was manifested by the public in reliable information regarding natural conditions, and the newspapers of the time sought in every way to satisfy the craving for such knowledge. They frequently printed letters written by men who had penetrated to out-of-the-way spots. A sample communication of the sort, written in 1822, is here quoted. It dealt principally with an almost unknown little settlement called Chicago, and read in part as follows:[1]

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[1] Smith, p. 88.

> "After experiencing considerable privations and dangers in traveling by land from Green Bay to Chicago, a distance of about 230 miles, I was amply compensated by a view of the latter place, which presents so much for interesting observation. Nature has in store so many and so great advantages at this spot, which can be easily recognized [grasped] by unlocking them at a moderate expense, that any great length of time will not, according to the progress of improvement making in our country, continue before great attention is attracted to it. . . . Public attention will ere long be attracted to this important and interesting section of the country. The Indian title is getting fast extinguished, and is mostly done already, and the Indians are clearing out of it. . . . But few men of science and observation have yet visited the country, as the dwelling of a white man is not to be seen from Fort Clark to Chicago."

The extreme economic importance of the horse in the interior during the early part of the century constantly resulted in efforts to acquire beasts of burden by dishonest methods. A scheme sometimes used by plausible scoundrels who were engaged in horse stealing as a profession was to appear in a new community and set up in business as liverymen. This device was usually operated by two swindlers who worked together. After they had become established, and had been given custody of a quantity of horse-flesh they would disappear between two days, taking with them the valuable property entrusted to their care.

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[1] Printed in the "Farmers and Mechanics Journal," of Vincennes, on June 12, 1823, and by that paper credited to the "Vandalia Intelligencer" of an unnamed earlier day. The letter was published under the title "Journal of a Traveller through the Great Western Lakes and down the Illinois River, in July, August and September, 1822."

A picture showing Chicago as it appeared about the same date is elsewhere reproduced.

The customary aftermath of such an incident—an indignant advertisement in the local newspaper—seldom produced the desired results. A typical public notice of such an incident began:[1]

> "Eloped from Vincennes with one handsome roan Mare, two bay mares and one small flee-bitten grey." The advertisement, after describing the two swindlers, went on to say: "These rascals came to Vincennes some time ago, and got into business as Livery Stable Keepers, and by their fair speeches and apparent honesty and industrious habits, induced the subscribers to become their sureties in contracts to a large amount; and, after carrying on for some time, getting into debt as much as possible, and pocketing all the cash they could, they made their escape, leaving many people in the suds."[2]

Another popular way of acquiring horses through illegitimate means was the method of buying them by counterfeit money, of which a large amount was in circulation throughout the country. One Jesse Britton, also of Vincennes, was a victim of this practise during the same year of 1820. He sold a fine horse for a hundred dollars in counterfeit bills, and told his trouble to the public in an advertisement as usual.[3] Britton's notice in the newspaper was of no especial importance as a document affording new information on certain financial methods of the time, but it was noteworthy in a particular unrealized by its author. It contained what may well be one of the most vivid portrayals of the early type of American confidence-man or "sport" to be found in the literature of those years. Here is the description of the stranger:

> "The rascal is rather stout built, 5 feet 8 or 9 inches high, white hair and whiskers, red flushed complexion, hairy and sunburnt about the neck, with long, yellow and disagreeable looking teeth. He wore an old white fur hat, green frock coat, the cuffs of which were edged with velvet—blue striped domestic overalls or trousers, short boots or bootees, which had been mended, and a seam across one of them."

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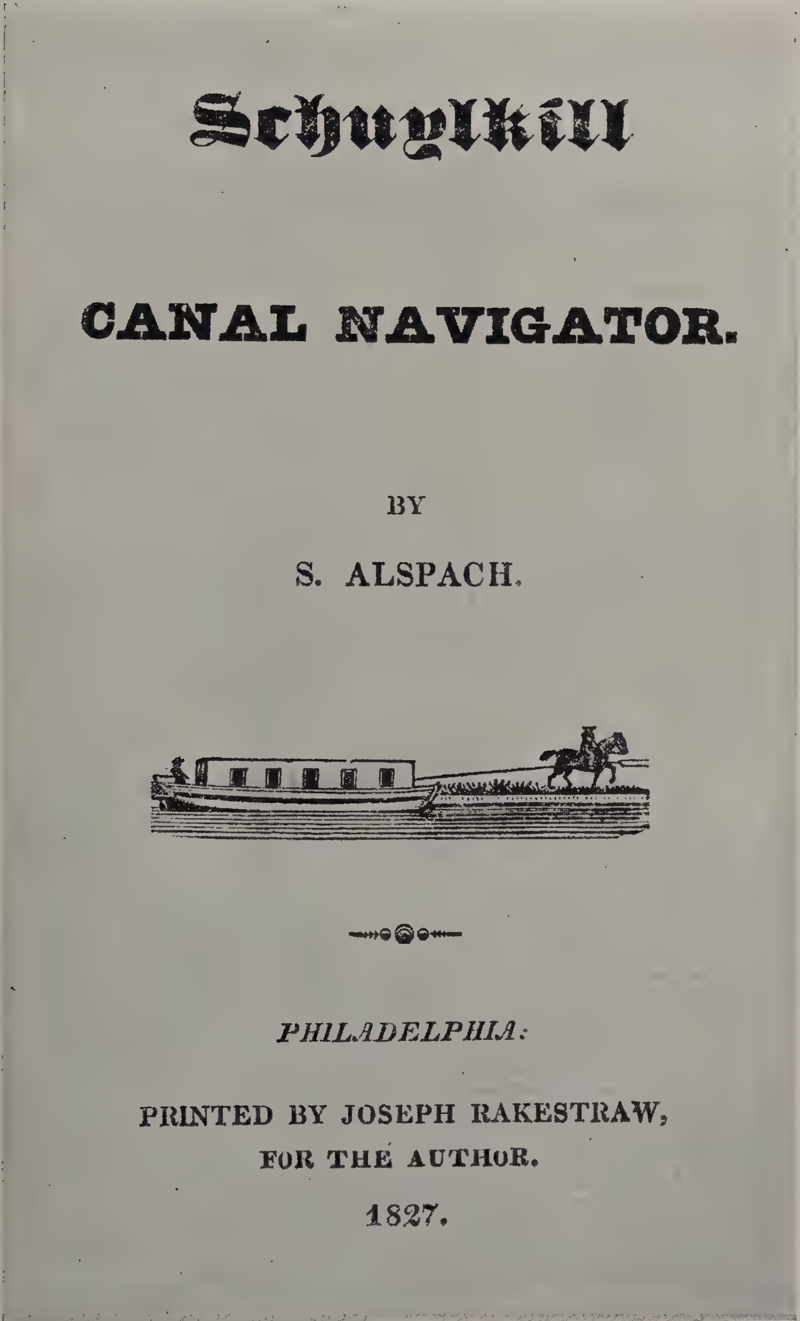
[1] From the "Indiana Centinel" (Vincennes) of November 4, 1820.

[2] The expression of pioneer American slang which concludes this advertisement is probably the early form of a present-day expression which—measured by slang standards—is decidedly less dignified.

[3] In the "Indiana Centinel" of July 8.



Schuylkill

CANAL NAVIGATOR.

BY

S. ALSPACH.

* * *

PHILADELPHIA:

PRINTED BY JOSEPH RAKESTRAW,
FOR THE AUTHOR.
1827.

198.—Early literature dealing with the subject of travel in America. Title page of a guide book written for those using the Schuylkill Canal. It gave the location of all stumps, rocks and similar dangers to navigation, with other information necessary for the avoidance of shipwreck.

The advertisement concluded with the information that whoever caught the scoundrel was to receive twenty dollars in genuine money. No immediate results seem to have been produced by the proclamation, for it continued to appear in the newspaper for several weeks.

The very striking masculine costume just described was characteristic of the period, and a somewhat similar array was worn by nearly every man who tried by means of his apparel to surround himself with an atmosphere of dignity, or the nearest approach to that quality which he could simulate. The imposingly tall and somewhat bell-crowned stovepipe hats of the time were either white, gray, brown or straw-colored, according to the taste of the wearer. The voluminous frock coat was blue, green, claret-colored, brown, dull red, or of any other color desired, and usually had a collar and cuffs made of velvet in some contrasting shade. The trousers were often equally spectacular in appearance, and the bootees reached about half-way between the ankle and the knee. The waistcoat—not mentioned in the above advertisement—was ordinarily of some color that would contrast with the big frock coat beneath which it was worn. Very little of the clothing used by men during the American pioneer period has survived to the present day, and such apparel is now exceedingly rare.[1]

Once in a while a few of the innumerable horse thieves who plied their trade throughout the West were captured and brought to jail. This usually happened after an epidemic of thievery, and a case of the sort that took place at Vincennes in the early days was described by Smith in his reminiscences. Thirty-nine lashes on the bare back still remained the penalty inflicted on conviction for a first offense. The jail was for once full of horse thieves, and when the time arrived for their trial the judge before whom they were fated to appear was General Marston G. Clark, a cousin of George Rogers Clark. The judge was an unusually perfect and eye-filling specimen of the finest type of western pioneer, and Smith described his appearance as he presided over the backwoods tribunal.

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[1] Possibly the most comprehensive collection of the sort extant is that preserved in the little village of Geneseo, in New York state. It is in some respects unfortunate that the remarkable Geneseo collection of civilian and military apparel, personal belongings and household utensils of the pioneers is not located in a more accessible center where the significance and value of its treasures might be more widely recognized.

"He was," said Smith, "about six feet in his stockings, of a very muscular appearance; wore a hunting shirt, leather pants, moccasins and a fox-skin cap, with a long queue down his back."[1]

When the first malefactor appeared before that awe-inspiring figure his lawyer made formal objection to the indictment on the ground that his client was improperly named in the instrument. Such was in truth the fact, for the defendant's middle initial had been omitted. The judge overruled the objection in the following language:

> "That makes no difference; I know the man, and that is sufficient."
>
> Objection number two: "There is no value put on the horse in the indictment."
>
> Ruling: "I know an Indian pony is worth ten dollars."
>
> Objection number three: "It is charged in the indictment to be a horse, when he is a gelding."
>
> Ruling: "I shall consider that a gelding is a horse; motion overruled."

These preliminaries having been disposed of, the trial proceeded. Legal technicalities had already appeared in American judicial history, but had not yet acquired the commanding importance they afterward attained. Testimony was taken, the man was found guilty, and was sentenced to receive thirty-nine lashes. Whereupon the convicted man's lawyer interposed another objection.

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[1] One or more of the Justices of the United States Supreme Court still wore similar queues at as late a date as 1827.

"We move an arrest of judgment," he said, "on the ground that it is not charged in the indictment that the horse was stolen in the Territory of Indiana."

The figure on the bench remained for a moment silent. He sat as still as a graven image. "That I consider a more serious objection," he finally replied. "I will consider on it till morning."

Late in the evening Judge Clark held a brief consultation with the sheriff, and at midnight that official took the prisoner from the log jail, escorted him far into the forest, bound him to a tree with his face toward its trunk, stripped off his shirt, and laid thirty-nine fearful lashes on his bare back. In the morning the prisoner was again brought before the judge without having opportunity to communicate with his counsel, and the lawyer again arose and repeated his objection. Judge Clark announced that he had decided to grant the defendant a new trial.

Up sprang the prisoner. "No!" he screamed. "No! for heaven's sake! I discharge my attorney and withdraw the motion."[1]

Every other man in the jail got a like dose, and horse stealing was for several years a lost art in Indiana. What could technicalities avail against that ominous figure on the bench. Six feet of muscle in a hunting shirt, fox-skin cap, moccasins and leather pants. It was justice incarnate.[2]

In those days, even as in these, many of the beliefs and practises of the people were reflected in their legal disputes, and the lost colloquial story of the early courts—could it have been preserved in its entirety—would have been an invaluable commentary on the life and society of the time. Smith told this incident: A case was presented to the grand jury against a man who had sold whisky at retail without license. The proof was positive. The question was put and the jurors unanimously voted that an indictment be drawn. Mr. Fletcher, the prosecuting attorney who was presenting the evidence to the grand jury, drew the bill, handed it to the foreman and asked him to sign it. The foreman replied: "I shall do no such thing, Mr. Fletcher; I sell whisky without license myself, and I shall not indict others for what I do." A deadlock

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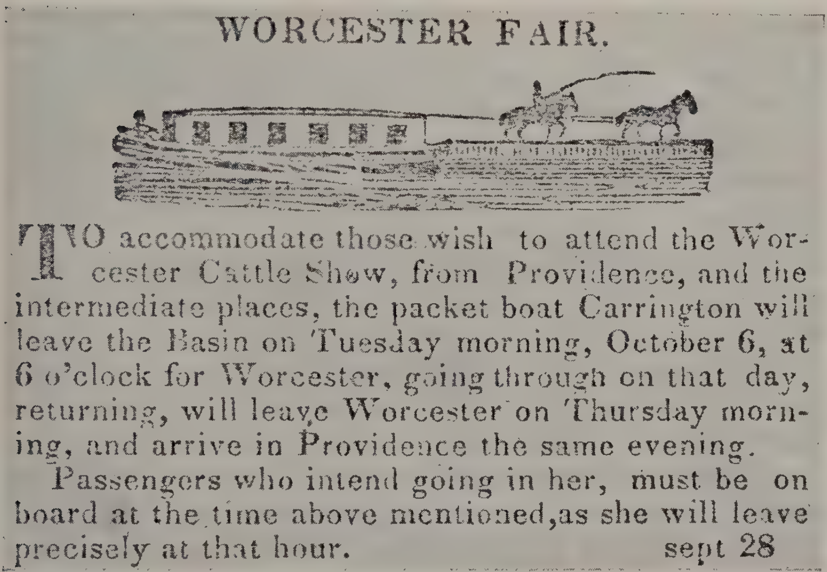
[1] Smith, pp. 160-1.

[2] Immediately after the Republic of Texas came into existence, a few years afterward, the Congress of that nation passed a law ordaining that a horse thief should have the letter T branded on his flesh with a red-hot iron, "in such place as the court shall direct." That penalty was in addition to a fine not exceeding $1000, imprisonment up to one year, and 39 lashes on the bare back.—"Laws of the Republic of Texas, etc. Printed by Order of the Secretary of State. Houston, 1838," p. 189. The law was approved December 21, 1836.



WORCESTER FAIR.

TO accommodate those wish to attend the Worcester Cattle Show, from Providence, and the intermediate places, the packet boat Carrington will leave the Basin on Tuesday morning, October 6, at 6 o'clock for Worcester, going through on that day, returning, will leave Worcester on Thursday morning, and arrive in Providence the same evening.

Passengers who intend going in her, must be on board at the time above mentioned,as she will leave precisely at that hour. sept 28

199.—Special excursion canal boats were run to accommodate the public on unusual occasions. Advertisement of such an excursion boat, which carried passengers from Providence, in Rhode Island, to the cattle show in Worcester, Massachusetts, in one day.

thereupon ensued, and the two guardians of the public peace explained the situation to the judge in person, but that official was either unable or disinclined to suggest any practical solution to the dilemma. So the two men went back to the grand jury room again. Then Prosecuting Attorney Fletcher took off his coat, doubled up his fists, stepped up to the foreman and said, "The law requires the last step to be taken." The foreman signed the indictment.[1]

Another legal combat described by Smith shows the political feeling of those days and the personal animosity in which it sometimes resulted. The two political parties of the time were the Democratic-Republican, which was then in power, and the Federalist, whose influence was rapidly disappearing. Almost all the western people were Democrats, and according to the incident narrated a citizen named John Allen had called another man named Joshua Harlan "an old Federalist." Harlan brought suit against Allen for damages. His complaint declared that "by the publishing of which false, slanderous and defamatory libel the plaintiff has been brought into public disgrace, and his neighbors have since refused to have any intercourse with him."

The case came to trial and the first witness for the plaintiff was a man named Herndon, who had come to Indiana in very early days. He was asked the question:

> "Do you consider it libelous and slanderous to call a man a Federalist?"
>
> Answer: "I do."
>
> Question: "Which would you rather a man would call you, a Federalist or a horse thief?"
>
> Answer: "I would shoot him if he called me one or the other."

Twenty-nine more witnesses gave identical testimony

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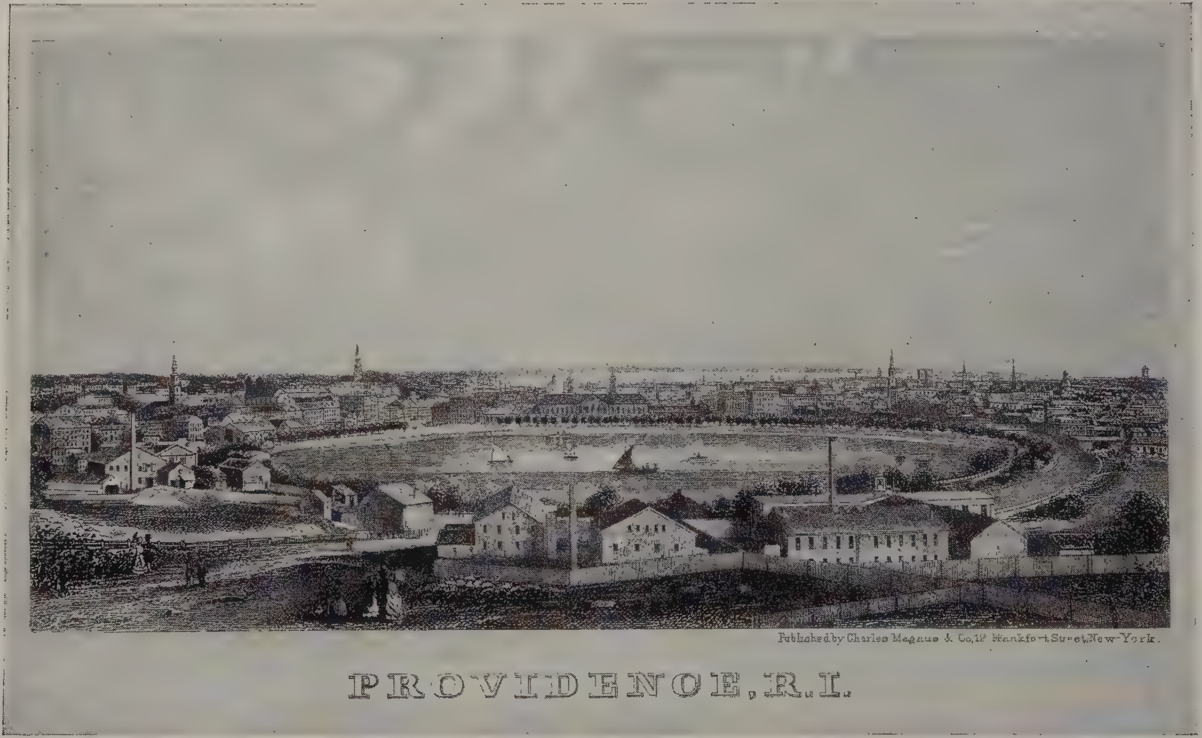
[1] Smith, pp. 57-8.


Published by Charles Magnus & Co, 12 Frankfort Street, New-York.
PROVIDENCE, R.I.

200.—View of Providence, showing the Basin mentioned in the preceding illustration. Canal boats started from the Basin, which, in canal-traffic days, served the purpose of a modern railway station.

for the plaintiff. The jury debated the subject all night and came back into court next morning with a verdict finding Allen guilty and fining him one thousand dollars. After the jury had announced the result of its deliberations the presiding judge said to its members: "The court are well satisfied with your verdict, gentlemen; you are discharged."[1]

The testimony of a defendant in a commonplace case wherein the charge was assault and battery was set down by Smith as follows:

> "I told him he lied; he told me I lied. I spit in his face; he spit in my face. I slapped him in the face; he slapped me in the face. I kicked him; he kicked me. I tripped him up; he tripped me up. I struck him and knocked him down; he got up and knocked me down. I then got mad; he got mad, and we were just agoing to fight when the saloon keeper got between us. That is all."[2]

The plaintiff was fined one dollar; the defendant was fined one dollar.

But the case which was—in one way—the most important of all those recounted by Smith was a series of trials in which four white men were charged with the killing of nine Indians. The affair took place in 1824, at a time when the prejudice entertained by the mass of the whites against the natives was still occasionally in evidence, though not so extreme in its character as in former years. Two men of the Seneca nation, together with their wives and one other squaw, and four children between the ages of infancy and ten years, had established a hunting camp in the forest. Five white men came to the Indian camp one day saying they were travellers who had lost their horses in the woods. The Indian men dropped their own affairs, offered their help in recovering the animals, and set forth with their visitors for that purpose. After the Senecas had been shot from behind the white men returned to the camp and killed the women and three of the children. The fourth child was only wounded, and was despatched by having its brains knocked out against the end of a log.

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[1] Smith, pp. 120-122.
[2] Smith, pp. 335-6.

One of the whites concerned in the affair made his escape, but the other four were arrested. Although the old frontier doctrine that "the only good Indian is a dead Indian" still commanded supporters as a theoretical proposition, the crime inspired a general feeling of condemnation among the Caucasian population. The four prisoners were tried separately. The cases were considered to be of such importance, and public interest in them was so widespread, that a new and pretentious log court-house, containing two rooms, was built to serve as the theater of the legal drama. The court room itself was some twenty-five or thirty feet square, and the judges sat on a narrow platform about three feet high, built along one side of the room. Their seat was a long wooden bench. On the floor in front of the judges' platform was a similar bench for the lawyers, a little wooden pen for prisoners, a table for the clerk of the court, and still another bench for witnesses. A long pole separated the official section of the court from that part of its area devoted to the use of spectators, who stood up. The other room in the court-house was for the use of jurymen, and its dedication to such a purpose marked a decided advance in that element of pioneer court procedure. The grand jury which had indicted the four men had carried on its discussions while seated on a fallen log out in the woods.

An imposing array of counsel, including General Sampson Mason of Ohio, defended the first of the prisoners brought to account. General Mason discussed the scenes attending the trial in a letter that he sent back to Ohio, and which finally found publication in a newspaper there. One part of his description read: "As I entered the court room the Judge was sitting on a block paring his toenails, when the sheriff entered, out of breath, and informed the court that he had six jurors tied, and his deputies were running down the others." In discussing the passage here quoted from the letter of the eminent Ohio lawyer, Smith said: "General Mason, with all his candor, unquestionably drew upon his imagination in this case." It is a loss to the riches of historical integrity that Smith himself was not more specific in challenging the accuracy of his colleague. For if we analyze both General Mason's description and the precise terms of its impeachment, we find that Senator Smith might have based his contradiction on the point that the sheriff was not out of breath when he made his announcement.

The twelve men who sat in judgment were arrayed in the pioneer habiliments of the day, including moccasins and side-knives. The case was concluded for the prisoner "in able, eloquent and powerful speeches, appealing to the prejudice of the jury against the Indians; relating in glowing colors the early massacres of white men, women and children by the Indians; reading the principal incidents in the history of Daniel Boone and Simon Kenton . . . and not forgetting the defeat of Braddock, St. Clair and Harmar . . . Judge Wick charged the jury at some length . . . and distinctly impressing upon the jury . . . that the murder of an Indian was equally as criminal in law as the murder of a white man."

One of the defendants was found guilty of manslaughter and the other three were convicted of murder in the first degree. The sentence of one murderer was commuted, and the other two suffered the extreme penalty of the law. Of the final scene Smith remarked: "A Seneca Chief, with his warriors, stood on a hill that commanded a view of the gallows. 'We are satisfied,' the Chief said. Thus ended the only trials where convictions of murder were ever had, followed by the execution of white men, for killing Indians in the United States."[1]

Two other incidents contained in the printed annals of the time—one dealing with a tavern keeper and the other with an adventure of Davy Crockett—will be of aid in portraying the pioneer men whose lives, manners and characters are here discussed. The innkeeper in question was Captain John Berry,[2] who kept a tavern at Andersontown, in Indiana. Berry was inordinately proud of the cleanliness of his establishment, and his well-known feeling in that regard was on one occasion made the basis of a practical joke which came near to ending in unpleasant consequences. The date of the incident was about 1830, at which time it was the custom of probably a large majority of men—especially in the frontier regions—to retire for the night, no matter where they slept, without removing the shirts worn by them in the daytime. That useful garment known as the nightshirt, although well established and growing in popularity throughout the East, had not yet appeared in the West in sufficient quantities or with sufficient frequency to make it a familiar article of apparel. A man travelling in the interior went to bed in his shirt and never gave the matter a thought; nor did the tavern keeper at whose house he lodged.

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[1] Smith, pp. 51-57 and p. 179.

[2] From whom the "Berry Trace" was named.

Now it so happened that there one day came to Berry's tavern in Andersontown a little group of prominent men among whom were the Smith mentioned in these pages, and another well-known lawyer named James Whitcomb.[1] Whitcomb possessed a nightshirt, and what is more he carried it about the country with him and used it. His companions of course knew of his idiosyncrasy, and on arrival at the Berry establishment they decided to play a joke on the proprietor which should have the Whitcomb nightgown as its foundation. So—giving the matter an aspect of unusual importance and secrecy—they went to Berry and told him that Whitcomb, on a previous visit, had acquired a poor opinion of the cleanliness of the sheets used on Berry's beds and that he had therefore brought with him a special shirt which he intended to wear when he went to sleep, in order that he might not soil his regular shirt.

Berry refused to believe the charge. He could not think so ill of his distinguished guest. But the conspirators insisted they were right, and told the landlord he might convince himself with his own eyes at the proper time. When Whitcomb retired to his room at night the landlord tiptoed silently behind him, still unconvinced, and gluing his eye to the keyhole he watched the procedure within. He saw Whitcomb actually take off his shirt and put on another one, as had been described. The substitute even seemed longer than the ordinary shirt, as though its wearer desired to protect himself to the last degree. The incredible story, then, was all too true. Berry burst open the door in a fury, rushed in, sprang upon Whitcomb and bore him down, preparatory to the infliction of condign punishment on a man who dared cast such unmerited odium on his establishment. The perpetrators of the hoax, hearing the struggle, hurried to the spot and declared it was all a joke, insisting that people in other parts of the country really wore such things also. Finally they convinced the landlord—or at least instilled a doubt into his mind—and peace was restored.[1]

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[1] Who not long afterward became Governor of Indiana.

It was this same Captain Berry who, while walking on Broadway one Sunday during his first journey to New York, paused in front of a pretentious building into which numerous people were entering. The edifice was a church, though the stranger from Indiana was not aware of the fact. He was cordially invited to enter by a man stationed outside for the purpose, and just at that moment the organ inside burst into the strains of a march. Whereupon Captain Berry hastily declined the invitation, saying that he "never danced."[2]

The Crockett adventure was written by himself, and was found among his personal papers in Tennessee after he fell at the Alamo. Though but a fragment describing an alleged incident of river life in the early days, it revealed the temper, customs and vernacular of a certain type of western men whose numbers were far from small. Crockett's narrative read:

> "One day as I was sitting in the stern of my broad horn, the old Free and Easy, on the Mississippi, taking a horn of midshipman's grog, with a tin pot in each hand, first a draugh of whiskey, and then one of river water, who should float down past me but Joe Snag; he was in a snooze, as fast as a church, with his mouth wide open; he had been ramsquaddled with whiskey for a fortnight, and as it evaporated from his body it looked like the steam from a vent pipe. Knowing the feller would be darned hard to wake, with all this steam on, as he floated past me I hit him a crack over his knob with my big steering oar. He waked in a thundering rage. Says he, halloe stranger, who axed you to crack my lice? Says I, shut up your mouth, or your teeth will get sunburnt. Upon

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[1] Smith, pp. 74-5.
[2] Smith, p. 75.

this he crooked up his neck and neighed like a stallion.[1] I clapped my arms and crowed like a cock.[2] Says he, if you are a game chicken I'll pick all the pin feathers off of you. For some time back I had been so wolfy about the head and shoulders that I was obliged to keep kivered up in a salt crib to keep from spiling, for I had not had a fight for as much as ten days. Says I, give us none of your chin music, but set your kickers on land, and I'll give you a severe licking. The fellow now jumped ashore, and he was so tall he could not tell when his feet were cold. He jumped up a rod. Says he, take care how I lite on you, and he gave me a real sockdologer that made my very liver and lites turn to jelly. But he found me a real scrouger. I brake three of his ribs, and he knocked out five of my teeth and one eye. He was the severest colt that ever I tried to break. I finally got a bite hold that he could not shake off. We were now parted by some boatmen, and we were so exorsted that it was more than a month before either could have a fight. It seemed to me like a little eternity. And although I didn't come out second best, I took care not to wake up a ring tailed roarer with an oar again."[3]

The conditions and incidents that have been related—glimpses at the people of the interior through records left by themselves—certainly do not constitute a complete picture of those times, nor is their present use intended to suggest such a canvas. But nevertheless they have their value to us in our desire to build up a better present understanding of the Americans of those days. For, somewhat as the comparative anatomist by the aid of five or six bones may reconstruct with marvellous exactitude an unknown animal of long ago, and discover its habits and methods of life, so also may we gain a little broader knowledge of the generation in question by the study of such fragments as these. Each circumstance, law or story in itself is a small thing, by no means dependable as a basis for general conclusions concerning the period discussed. Yet when all of them are considered together we feel that we possess more than a surmise respecting the years we are striving to see.

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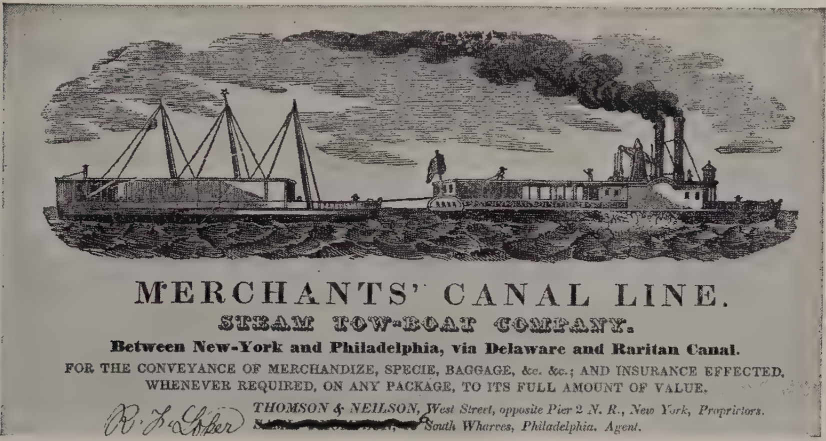
[1] A challenge to battle.

[2] Acceptance of the challenge.

[3] From Vol. 7, No. 4, of "Davy Crockett's Almanack of Wild Sports in the West, etc." Nashville, Tenn., 1838. The preface of this publication states that it is printed by the heirs of Colonel Crockett, and that in addition to those numbers already issued, five more are in process of publication. It further says that the anecdotes, reminiscences and stories contained in the series of almanacs are transcribed from written material left by him, and that many of the woodcuts with which the almanacs are embellished are copies from drawings made by Crockett after a manner employed in the wilderness. The preliminary statement then goes on to say: "His posthumous papers contain a great number of wild frolics and scrapes, together with adventurous exploits in the chase, both those in which he was engaged himself, and others that came within his knowledge. The engravings are mostly taken from his drawings, which are very spirited. He drew on birch bark with a burnt stick."

The "Davy Crockett's Almanack" seems to have been unknown to American bibliographers until 1912, when the copy above mentioned was found in the museum room of the Indiana State Capitol. Since that date a widespread inquiry by antiquarians has resulted in the discovery of a few other numbers and a complete file may eventually be available.



MERCHANTS' CANAL LINE.
STEAM TOW-BOAT COMPANY.
Between New-York and Philadelphia, via Delaware and Raritan Canal.
FOR THE CONVEYANCE OF MERCHANDIZE, SPECIE, BAGGAGE, &c. &c.; AND INSURANCE EFFECTED, WHENEVER REQUIRED, ON ANY PACKAGE, TO ITS FULL AMOUNT OF VALUE.
R. F. Loper
THOMSON & NEILSON, West Street, opposite Pier 2 N. R., New York, Proprietors.
[redacted] *South Wharves, Philadelphia. Agent.*

201—After railways had appeared in the East and had made the old horse-drawn canal craft unprofitable, a few of the boat companies tried to keep up the fight by using steam tow-boats. Billhead of the Merchants' Line on the Delaware and Raritan Canal, between New York and Philadelphia, in 1843.

The laws, events, conditions, sketches and anecdotes given in this and the preceding chapter are selections from hundreds of similar ones that might be cited from the same and other contemporary native sources. It is a principle of historical narrative that the one who writes must not incorporate in his recital any unusual condition of earlier times merely because it was unusual, or an isolated circumstance of former days whose character is apt to produce, in the mind of the reader, an impression inconsistent with truth. To avoid the creation of a false belief, and to paint, as far as is possible, a real and somewhat comprehensive picture of an epoch under consideration, it is necessary that a historian summon to his aid the laws, surroundings, habits, beliefs, speech and deeds of the men he discusses. And it is best for him to let them tell their own story, adding only such comment and interpretation as he hopes will make their self-told narrative more clear and connected.

Even then he often fears he will in some degree mislead, for his space is limited, and, if he is dealing with a period rich in interest, whose story has formerly been told in diverse ways, he can only present a fragment of the material at his command, and that he has weighed. More than ever, in such case, does he see the need of choosing records that are typical, rather than exceptional. His best assurance of safety lies in the discovery that the illustrative matter so chosen by him—from the laws, surroundings, habits, beliefs, speech and deeds of the men portrayed, and from original sources widely separated and independent of one another—is consistent and intercorroborative.

It must not be understood, in visualizing the last pioneer generation of America, that all men of that time—from 1800 to about 1835—lived on the same plane of social development. Nothing could be further from the fact. There were then American men and women of culture limited only by world-progress up to that interval. Every city and nearly every town held them. One of the first activities of every new commonwealth was the organization of a school system and a state college. But that element of society did not then—any more than now—dominate the beliefs or acts, or swiftly alter the circumstances of their fellow men. We are dealing with society in bulk. It is not unsafe to say that if we misjudge the pioneer population here considered, there is more likelihood that we err in allotting to those men too great a degree of polish and advancement, rather than in considering them too uncouth and distant, as compared with the generation of to-day.

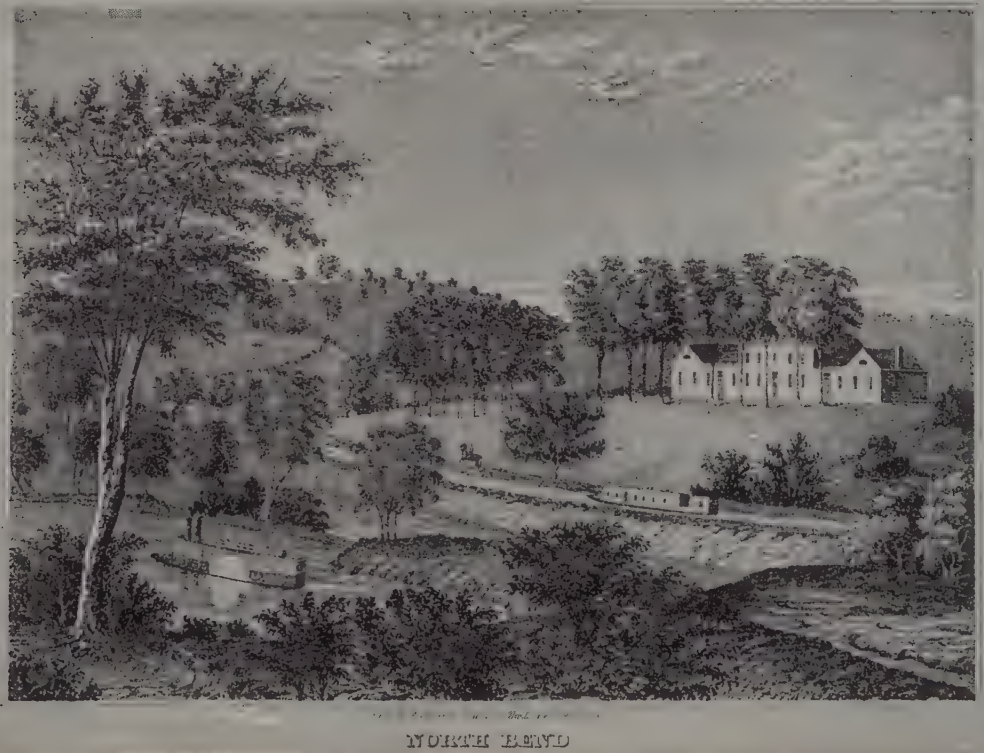
We feel that men who thus spoke and acted in their mutual association must have had attributes in keeping with the deeds and utterances disclosed—that a people wherein such qualities were revealed as matter-of-fact elements of social life must have been, at least, a more consistent generation than the one of which we, amid the complexities of present days, form a part. And if we are right, and those men were consistent in so far as their mental attitude and intercourse with one another were concerned, then we can draw with reasonable sureness the chief outlines of the social era in which they lived. We find ourselves, like the comparative anatomist, building up the dominant American traits of the period as those qualities existed in the regions where new national impulses found their birth.

In this process we are aided by our knowledge of much that had gone before. The Americans of the years which witnessed the critical rush into turnpike, canal and railway building had been moulded in the rough, before their birth, by earlier conditions that had shaped the fundamental features of their character. The lesser features of that national character—as manifested during the period in question—were shaped by those new needs in which the people found themselves for the first time involved, to whose solution they could only bring inherited beliefs and methods, reinforced by such small experience as might be gained day by day. So, in hereafter following

202.—Canal travel in the Middle West. A packet boat on the Miami Canal, in Ohio. The passengers are gathered under an awning that has been stretched to protect them from the sun during the voyage.

the story of their successes and failures as they entered upon the important activities about to be recited, we will be aided in comprehending their aspirations and methods by an appreciation of the human qualities out of which their desires, limitations and acts necessarily sprang.

Some of those qualities have at least been suggested. The Americans of the epoch between 1800 and 1835—during which time definite trend was given to present-day conditions of social and economic affairs throughout the country—were still a pioneer people in thought and manner of life. They had conquered a Wilderness of one sort, and had accumulated much learning of one sort in so doing. In other knowledge they were, as a people, unusually deficient. Their long, unrelaxing struggle had given them no time to delve into the study of matters not in some way related to visible and immediate needs. All their immense fund of experience was of specialized character, exquis-



203.—Canal and river scene at North Bend, on the Ohio River, a few miles west of Cincinnati. The house was the home of William Henry Harrison.

itely fitted to its purpose, and that purpose was ceasing to exist. They had reached the Mississippi.[1] The eastern part of the continent at the commencement of the century was a country of widely scattered, inert and immobile population groups, large and small, between which slowly trickled a few insignificant streams of information, commerce and human movement. Then, during about a decade of time—from 1802 to 1815[2]—there was borne in upon the people a comparatively sudden realization that the contest with nature which had occupied them for nearly two centuries was practically finished. From that time onward, for a score of years, the necessity for better means of transportation between different sections was the new and principal subject of discussion.

The Wilderness—as such—was gone. Much of it had been swept bodily away; the part remaining was simply a forest and an obstacle.[3] And then, behold! there loomed still another Wilderness before the last generation of the pioneers. It was not a wilderness of nature, but one of men's own making, for they themselves had created it. It was not a wilderness of material form, assailable by the brute strength of the ax, but one that needed for its successful conquest the use of knowledge and much wisdom. It was a wilderness composed of civilization's necessities and the desire of men to mingle with one another. Its possible pitfalls, darkness and labyrinths were the intangible but no less dangerous elements of human ignorance, avarice, jealousy and mistaken judgment.

Possibly no other people were ever before confronted with a common task demanding for its best performance

[1] Missouri was the only state west of the river until 1836.

[2] Three years of this period were occupied by the War of 1812, which temporarily distracted popular thought from the subject of better transportation facilities.

[3] Our long national blindness to the value of forests as a national economic asset is doubtless due to the fact that for many generations we were smothered in riches of that sort.

a more wise conception of the future, and a more unselfish consideration of the general welfare, than were those Americans who first keenly realized the need of linking all parts of their vast dominion by new and better methods of communication. That problem was the second—and greatest—Wilderness which they faced in their work of continental conquest. Upon the foresight and methods employed in their new undertaking depended, for an indefinite time to come, the material conditions under which they and their descendants were to live and progress. Every phase of the nation's life was thereafter to be shaped, and all its future inhabitants were to be intimately affected by their procedure and the attitude of their chosen servants. It is needless to say that neither the people of that period nor their governmental representatives realized, as we now do, the truths here stated. While following the developments of the decisive years soon to be considered, wherein our modern transportation system had its beginnings and took definite shape, we find numerous occasions on which the future economic history of the nation hung in the balance or swerved from one course to another.[1] And at times we are almost tempted to wonder whether the trend of events was not affected by some determining influence now beyond tracing, but whose source lay in the selfish foresight of a few rather than in any honest lack of foresight by the many.

The principal thought that needs be borne in mind while following the creation of our modern transportation system through the instrumentality of the national government, the state governments and private activities, is that it was brought into being by a pioneer generation; that definite shape was assumed by the system—between 1802

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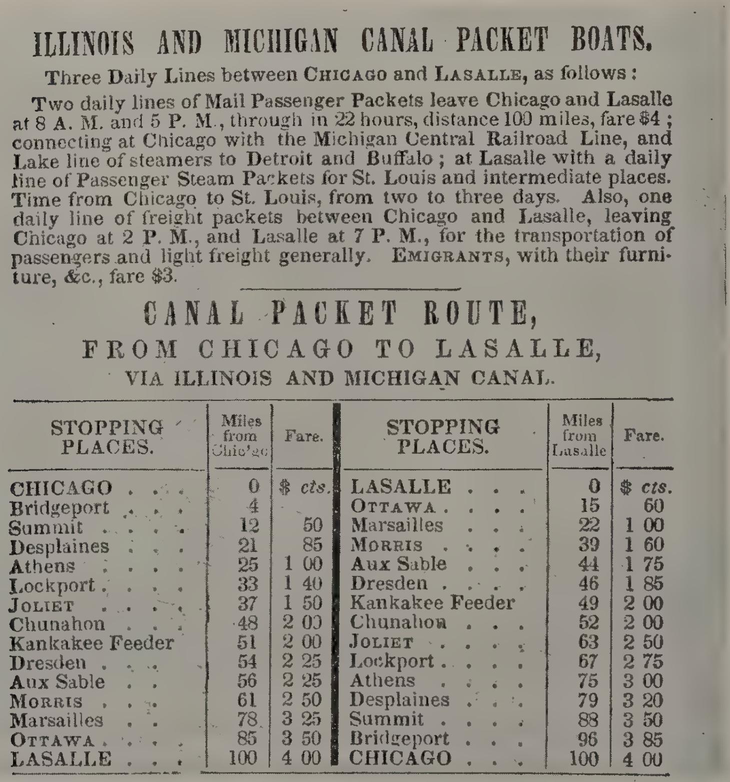
[1] As is the case to-day.



ILLINOIS AND MICHIGAN CANAL PACKET BOATS.

Three Daily Lines between CHICAGO and LASALLE, as follows:

Two daily lines of Mail Passenger Packets leave Chicago and Lasalle at 8 A. M. and 5 P. M., through in 22 hours, distance 100 miles, fare $4; connecting at Chicago with the Michigan Central Railroad Line, and Lake line of steamers to Detroit and Buffalo; at Lasalle with a daily line of Passenger Steam Packets for St. Louis and intermediate places. Time from Chicago to St. Louis, from two to three days. Also, one daily line of freight packets between Chicago and Lasalle, leaving Chicago at 2 P. M., and Lasalle at 7 P. M., for the transportation of passengers and light freight generally. EMIGRANTS, with their furniture, &c., fare $3.

CANAL PACKET ROUTE,

FROM CHICAGO TO LASALLE,

VIA ILLINOIS AND MICHIGAN CANAL.

STOPPING PLACES.	Miles from Chic'go	Fare.	STOPPING PLACES.	Miles from Lasalle	Fare.
CHICAGO	0	$ cts.	LASALLE	0	$ cts.
Bridgeport	4		OTTAWA	15	60
Summit	12	50	Marsailles	22	1 00
Desplaines	21	85	MORRIS	39	1 60
Athens	25	1 00	Aux Sable	44	1 75
Lockport	33	1 40	Dresden	46	1 85
JOLIET	37	1 50	Kankakee Feeder	49	2 00
Chunahon	48	2 00	Chunahon	52	2 00
Kankakee Feeder	51	2 00	JOLIET	63	2 50
Dresden	54	2 25	Lockport	67	2 75
Aux Sable	56	2 25	Athens	75	3 00
MORRIS	61	2 50	Desplaines	79	3 20
Marsailles	78	3 25	Summit	88	3 50
OTTAWA	85	3 50	Bridgeport	96	3 85
LASALLE	100	4 00	CHICAGO	100	4 00

204.—Westernmost work of the canal-building era. The Illinois and Michigan Canal was a hundred miles long, had three boats a day in each direction, and carried passengers over the whole distance in 22 hours, at a cost of four dollars. From "Disturnell's American and European Railway and Steamship Guide: 1851."

and 1835—while the people were necessarily untrained in the creative and administrative work they were performing. The only weapons they possessed for use in attacking the most formidable and complex wilderness that man can encounter—the problem of his own social and economic well-being—were such desires, ideas and methods as they had applied to the conquest of the least formidable variety of wilderness and to their own lives while so occupied. It follows that their first attitude toward the new work on which they entered, and the things they did during the early stages of that work, were direct manifestations of the national character as it then existed. Therefore any addition to our knowledge of the men of those days—however small—is of advantage in understanding their purposes, earnestness, enthusiasm, disputes, shiftings, wisdom, blindness and methods of procedure during a time whose events were freighted with such significance for the future.

As the story proceeds, and as the governmental turnpikes and the canals and railroads appear upon the stage of progress, we will be able to discern significant occasions whereon certain attributes of the national character exercised a controlling power in the development of events either for good or ill. Some of the qualities of mind acquired by the people through their long battle with primitive conditions were useful in various phases of their new undertaking, and were applied to it with benefit. Still others occasionally wrought harm. The central government's determination to undertake important social and industrial tasks for all the people in common—first manifested,[1] as will be seen, in connection with the need for interstate communication facilities in 1802—no doubt had its birth in the human instinct that caused all members of a wilderness community to unite in erecting the cabin of a newcomer because he alone could not build it. And the opposition of individual states to federated governmental purpose—which opposition was later to become politically known as "The State's Rights Doctrine"—together with the mutual jealousies displayed by various states and communities in connection with transportation plans, may likewise have had its ultimate source in the pioneer American conviction that each man was his own sovereign. So he was in the natural forest, but not afterward. Those days had departed.

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[1] The carriage of mails was not an exception. Private companies and individuals competed with the government in that activity until after 1840.

There were three prominent qualities of the national character, all being outgrowths of previous pioneer conditions, that were to become noticeable in the years witnessing the birth of interstate turnpikes, canals and railroads. Those qualities were inventiveness, cocksureness, and a desire for argument. The facility with which the American pioneer had long devised expedients

THE RAGING CANAL!

205.—Even travel by canal packet had its dangers in the eyes of the early cartoonist.

fitted for his need was to be again proved. Through the manifestation of his versatility in that respect the transportation system created by him at once assumed its own individuality and was characterized, from the first, by many devices that he originated.

The popular tendency to argument, so prominently displayed in connection with the newly realized travel and transportation needs of society, grew out of the long national isolation and tendency to soliloquize which have already been mentioned.

Those human qualities that had been necessary for doing what had already been done by the American people were hardihood, directness of purpose and dogged determination. The task hitherto performed — notwithstanding its immensity — had been one essentially simple in its character. The knowledge they had gained during the process had been so drilled into their lives that it had literally become a part of them. The things they did know they knew most marvellously well. They had been so long isolated with regard to other Caucasian peoples and exterior information that they had gradually arrived at a state of mind which virtually ignored the existence of other conditions than their own. They were extraordinarily wise through the small arc of their own experience, and equally ignorant and narrow-minded throughout the remainder of the circle of human life and work. But since the remainder of that circle was unknown to them, and since they did possess a conscious mastery of their own environment, they imagined that their wisdom might be applied with propriety and profit to all departments of human affairs. Hence the phenomenon of American cock-sureness, a national trait whose most acute symptoms are perceptibly subsiding under the soothing ministrations of time, and which, in days soon to come, will seemingly be brought so far under control as to warrant a firm hope of complete recovery.

They had not hitherto been constantly required to apply a knowledge already obtained to the solution of new and radically different conditions of existence. They were in a rut, so far as methods of community life were concerned, and had been long in that situation. They had not discovered that ability to grasp the vital principle governing any social or economic condition, coupled with moral and mental strength to sweep away outgrown processes connected with its former use and courage to apply the principle itself—divested of hampering customs—in an effort toward achieving a better condition, is one of the highest manifestations of a people's civilization.

For these reasons the members of the last pioneer generation of Americans did not possess the qualifications which would have enabled them to attack with undiluted success the new situation faced by them. Probably no people so situated, and with such a past, could have done it. The wonder is, rather, that they succeeded so well as they did. Blind in large measure to their own deficiencies, and upheld by a supreme self-confidence and energy, they set about the work which was theirs to do. The creation of modern turnpikes, canals and railroads began.

CHAPTER XXXII

ORIGIN OF THE NATIONAL ROAD — THE GOVERNMENT ADOPTS THE POLICY OF BUILDING TRANSPORTATION FACILITIES BY PUBLIC FUNDS — THE OHIO LAW OF 1802 — ITS SIGNIFICANCE — LATER CONGRESSIONAL ACTS PROVIDING FOR PUBLIC ROADS THROUGH THE INTERIOR — CONSENT OF THE STATES FOR THEIR CONSTRUCTION NO LONGER ASKED — JEFFERSON AND MADISON FAVOR THE WORK — TWENTY YEARS OF UNIFORM FEDERAL ATTITUDE — MONROE'S VETO OF 1822 — ITS POSSIBLE RELATION TO GOVERNMENTAL RAILROAD BUILDING — A CONTROVERSY ARISES OVER THE CONSTITUTIONAL POWERS OF THE NATION — HENRY CLAY'S VISION OF THE FUTURE — HIS TEMPORARY VICTORY — PRESIDENT JACKSON REVERSES THE COUNTRY'S POLICY AND THE NATIONAL ROAD IS DIVIDED AMONG THE STATES

IT was said in a previous chapter that the inspiration for the building of the important governmental traffic route — the old National Road — came from the West, and that the work itself, though begun in the East,[1] was commenced in response to the repeated and imperative demands of the western pioneers. It should be added here that the realization of the western desire was long delayed by two causes. The first of these was the slowness with which that part of the highway east of the Ohio River was completed, and the other was due to a political struggle arising from a contention that the Constitution did not confer upon the central government the power to undertake public improvements of the kind in progress.

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[1] As a westward extension of existing roads.

The National Road — or Cumberland Road, as it was at first called — was begun in Maryland in 1808 and did not reach the border of Ohio until nine years afterward, in 1817. The first congressional act looking toward its creation was passed in 1802, and the Federal decision to unite the Atlantic coast with the Mississippi River by an overland governmental highway was reached in 1806. But it was not until 1820 that the work of surveying and locating the exact position of the road was begun through Ohio, Indiana and Illinois, and not until 1825 — after a national political campaign fought largely over the constitutional question just mentioned — that heavy appropriations for its construction through the interior were made and the enterprise pushed forward in that part of the country.

The purpose of the government to build a continuous road from the East to the Mississippi — as that pioneer intent existed before structural operations began on any section of the route -- is shown in the message with which President Jefferson submitted to Congress a statement of the course chosen for the road in the East. Under date of February 19, 1808, he said:

> ". . . I shall pay material regard to the interests and wishes of the populous parts of the State of Ohio, and to a future and convenient connection with the road which is to lead from the Indian boundary near Cincinnati, by Vincennes, to the Mississippi at St. Louis, under authority of the act of April 21, 1806. In this way we may accomplish a continuous and advantageous line of communication from the seat of the General Government to St. Louis, passing through several very interesting points, to the Western country."

The genesis of the movement which resulted in the

A NEW BERTH.

Candid Landlady. "THE FIRST FROM THE TOP, SIR, IS THE ONLY BED VACANT; BUT YOU HAVE GOT VERY NICE NEIGHBORS—ONE GENTLEMAN CHEWS, BUT THE OTHERS ONLY SMOKE!"

206.—Cartoon indicating the opinion entertained by travellers toward the sleeping-bunk system so long offered for their accommodation by barges, steamboats and canal boats. Boarding-house landladies did not equip their bedrooms in that manner, but the artist apparently intended to suggest that they also might decide to adopt the prevailing fashion.

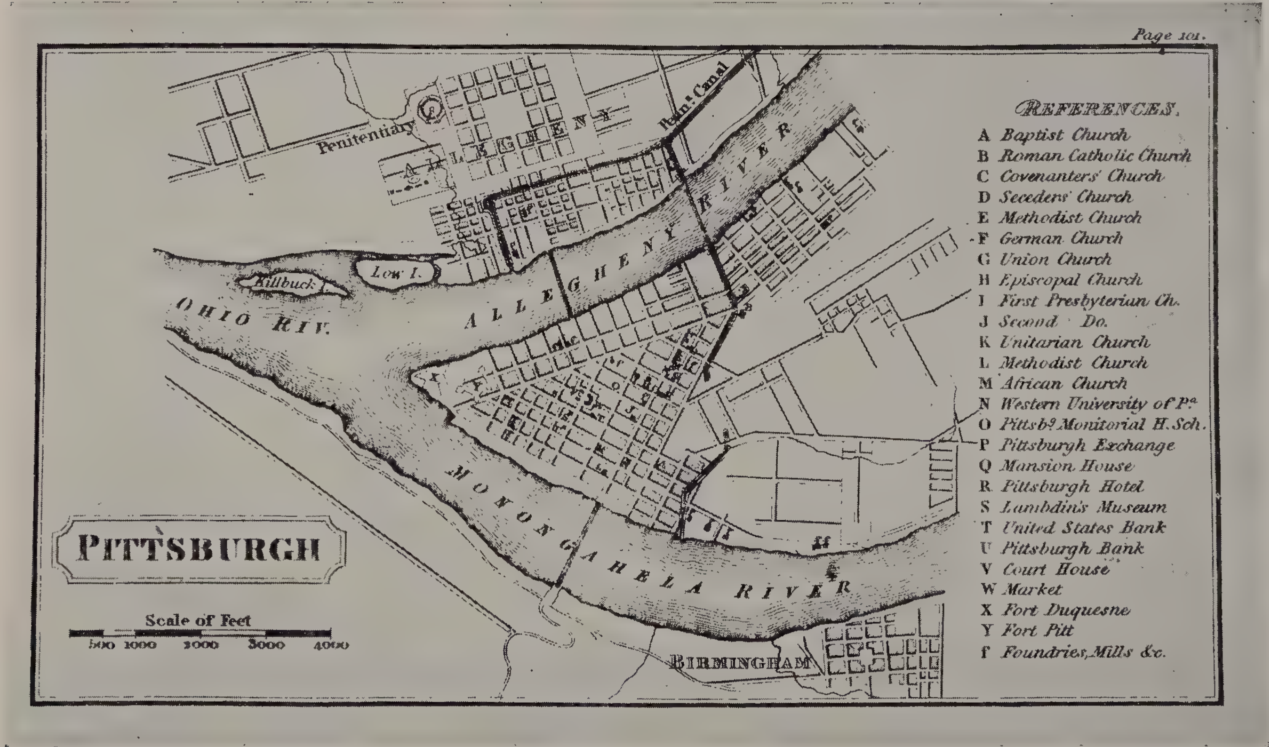
building of this transportation route from the East to the interior by public funds, as an interstate Federal project for the benefit of the entire country, is to be found in a law of April 30, 1802, entitled "An Act to Enable the People of the Eastern Division of the Territory

Northwest of the River Ohio to form a Constitution and State Government, and for other Purposes." Section 7, Article III, of the Act read:

> "That one-twentieth part of the net proceeds of the land lying within the said State [Ohio] sold by Congress, from and after the thirtieth of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass."

Commonplace as this language appears, the paragraph just quoted contained potentialities hardly surpassed in importance by those of any other law enacted by Congress during its history. For although the purpose of the act was merely the making of a turnpike, it affirmed the government's acquirement of powers so broad in their character that the nation, under its operation and the operation of later laws of like nature and purpose, was afterward brought within close and measurable distance of building its own railroads as Federal enterprises. A consideration of the circumstances accompanying, and developing out of the act, will indicate its character.

The present constitutional government had been put in operation in 1789. Vermont had entered the "Union" in 1791, but the admission of that state, owing to her location, had not brought up the question of communication facilities between her and her sister commonwealths. Kentucky and Tennessee became states in 1792 and 1796 respectively, but, as has been seen, they were already united with the East by usable roads created through pioneer enterprise. With Ohio — destined to be fourth in the list of new states — the situation was different. The northern edge of her territory could be reached by way



207.—Pittsburgh, the most important gate to the Mississippi valley in the era of water travel. Map of the town during the steamboat and canal days, and before railways reached the city. From Baird's "View of the Valley of the Mississippi: 1834."

of the Mohawk valley and Lake Erie, and her southern border could be attained by using the Ohio River or the roads leading up from Kentucky. There remained, however, a large expanse in the interior to which there was no easy access, for, though two crude pioneer roads extended to her eastern lands they offered no desirable alternative to prospective emigrants who wished to avoid the water journey and at the same time wanted to reach the center of the new country. Nor could the people already in southern Ohio move through the interior of the territory, or go back and forth between their settlements and the East without making the wide détour into Kentucky. Thus placed, Ohio demanded statehood and better means of intercourse with the coast region. Her remote situation, condition and needs presented a new social and economic problem to the operating machinery of the young nation.

The act of 1802 was the response to Ohio's request. It contained one provision which placed the territory in a peculiar and unprecedented position, for the paragraph known as Article III of Section 7—just quoted—was one of several offers made to Ohio in these words:

> "That the following propositions be, and the same are hereby, offered to the convention of the eastern State of said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States."

Thus it appears that on the first occasion when real need of interstate roads and transportation facilities arose under the Constitution the Federal government, through Congress, declared its power to appropriate public money for the purpose of creating such interstate traffic routes; enunciated the principle that those routes be laid out under the authority of Congress; and seemingly took for granted the consent of any affected states. It went further, for it laid on Ohio the alternative of accepting or rejecting—as part of her basic law—the proposition that the central government had power to build a transportation route through her jurisdiction. Ohio could have become a state—under the phraseology of the enabling act—even though she had rejected the proposition. But she did not; she accepted it, and so entered the Union on the basis of an acknowledgment that the Federal administration had authority to build traffic routes in and through the state, and with knowledge that such action would be taken.

Ohio became a state under the act of 1802, and in due course of time a Congressional committee, to which the subject of the planned interstate road had been referred, made a report[1] recommending that the eastern section of the route extend from Cumberland, in Maryland, to Wheeling, in Virginia. In the report it was stated, among other things, that

> "They [the committee] suppose that to take the proper measures for carrying into effect the section of the law respecting a road or roads to the State of Ohio, is a duty imposed upon Congress by the law itself, and that a sense of duty will always be sufficient to insure the passage of the bill now offered to the Senate. To enlarge upon the highly important considerations of cementing the union of our citizens located on the Western waters with those of the Atlantic states would be an indelicacy offered to the understanding of the body to whom this report is addressed, as it might seem to distrust them."

The bill providing for the building of a Federal interstate highway was passed by Congress, and approved by President Jefferson on March 29, 1806. The four states of Maryland, Virginia, Pennsylvania and Ohio, through which it was to extend, duly communicated to the government their consent[1] as suggested in the act of 1802, and work was begun.

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[1] On December 19, 1805. Senate Document Number 195.—Ninth Congress; First Session.

Indiana was the next territory lying across the projected line of the government's road which sought statehood and better transportation connections with the East. The law admitting her to the Union was dated April 19, 1816, and Section 6, of Article III—after confronting her with the identical alternative faced by Ohio—read:

> "That five per cent. of the net proceeds of lands lying within the said territory, and which shall be sold . . . from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths[2] to the making of a road or roads leading to the said State under the direction of Congress."

It will be observed that this legislation differs from the law dealing with Ohio in an important respect which suggests that the power of the general government to construct interstate traffic facilities without regard to the attitude of the states had by that time ceased to be a questionable matter even to the extent fairly to be inferred from the act of 1802. For the Congress announces an intention to build a road or roads leading toward Indiana without reference to the consent of any states through which it or they might pass.

Two years afterward Illinois was authorized to erect a state government,[3] and again did Section 6 of Article III—after the usual alternative and land-sale preliminaries—read:

> "Two-fifths to be disbursed, under the direction of Congress, in

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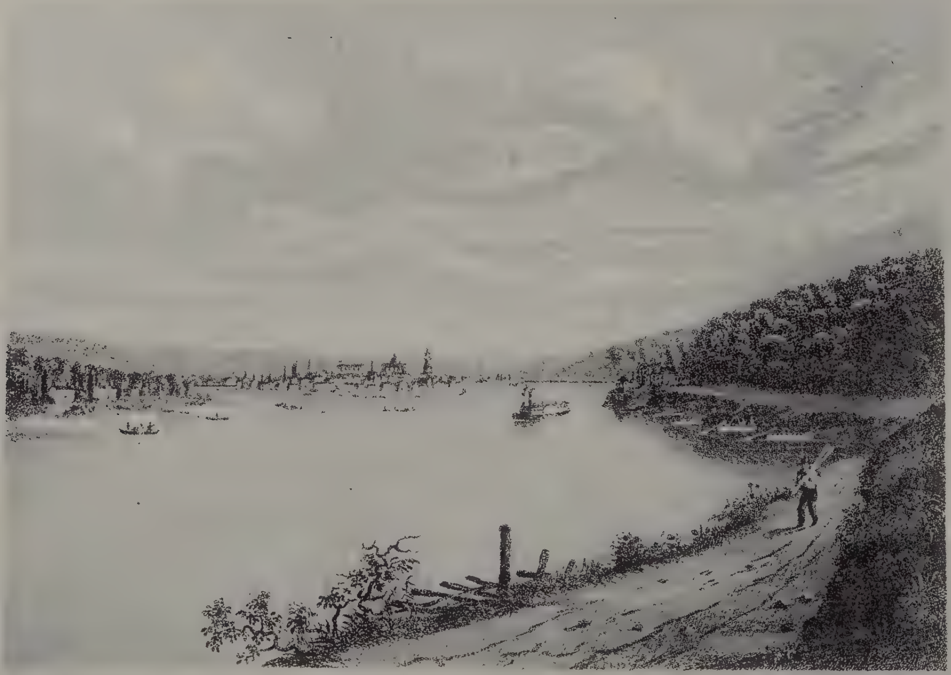
[1] Virginia and Maryland consented later in 1806 and Pennsylvania in April of 1807. Ohio's consent was given in her acceptance of the act as the basis of her constitution.

[2] In 1803 a supplementary law in relation to Ohio had been passed apportioning the Ohio money in a similar ratio, so that three-fifths of it, or three per cent., should be devoted to building roads within the state, and two per cent. to the road or roads leading to the state.

[3] The date of the Act was April 18, 1818.



208.—View of Pittsburgh and the Ohio River below the city at the height of the water-travel period and before the coming of the railway.

> making roads leading to the state; the residue to be appropriated, by the Legislature of the State, for the encouragement of learning. . . ."

By the terms of this law, a road leading to Illinois through Indiana could not come under the supervision of the Indiana legislature, but was placed "under the direction of Congress." This feature of the act, when considered in connection with the Indiana law of 1816, may indicate the existence of a distinction, at that time, between the interstate highway in process of creation and other roads local in character. Again was there no reference to the consent of such states as might be traversed by the roads which Congress announced would be built by the government toward Illinois. In 1820 Missouri's entrance to the Union was authorized,[1] and the familiar Section 6 of Article III in her case read:

> "Five per cent. . . . shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in making a road or roads, canal or canals, leading to the said State."

Two months afterward[2] the national lawmakers made provision for surveying the route to be followed by the Cumberland Road in its future extension from Wheeling to the Mississippi River. By the year 1817 the thoroughfare was in use to Wheeling, and from 1802 until the date named fourteen governmental acts had been placed on the statute books in connection with its creation, after being formulated by ten Congresses and signed by three Presidents during five Presidential terms.

We see in these events, then, the birth, establishment and maintenance of a continuous Federal policy having for its object the building of a transportation route by public funds for the general welfare. At the inception of the plan, in 1802, the government seemingly took for granted the consent of some states to its operations within their limits and received their consent, meanwhile offering to a new state the chance to reject the large Federal power implied. After that time, during an interval of twenty years, the general government no longer directly requested state consent for its traffic-route enterprises but, as occasion arose, gave territories the choice that has been defined. The later acts of the series were weightier than the earlier ones in their suggestion of Federal power, since neither in providing for roads leading to Illinois, nor in allotting governmental funds for a road or roads to Missouri, was Illinois or its legislature mentioned.

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[1] The date of the Act was March 6, and it contained the same chance to accept or reject the road proposition.

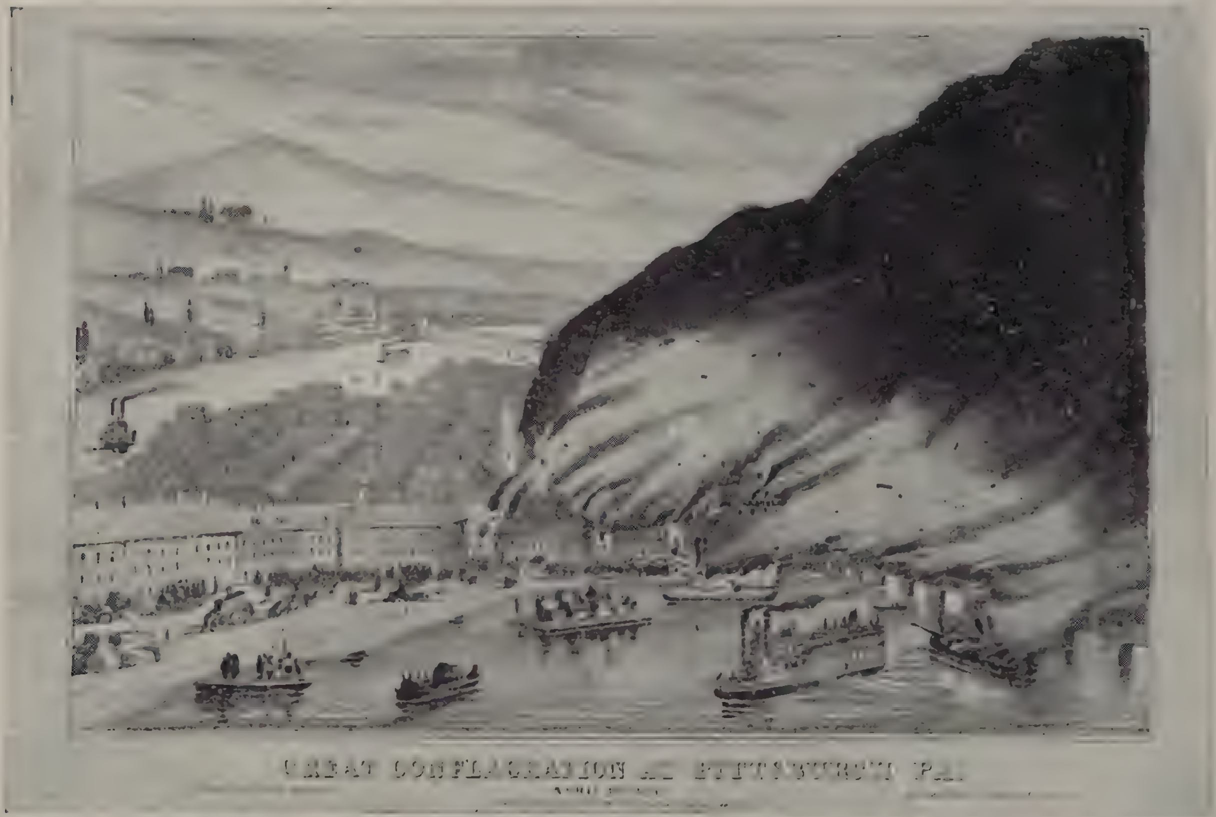
[2] By Act of May 15, 1820.

Two other features contained in this series of laws call for attention. They indicate that Congress thought of the possibility of building more than one road if it so chose, and they show that the government did not consider itself limited to turnpikes as the only constituent parts of the Federal transportation system, but that it believed itself able to create other kinds of traffic routes, such as canals, if it saw fit to do so. By the year 1820 the government was apparently established in a position — based on public opinion and approved as indicated by the action of the people's legislative representatives and executives — that would have permitted it, without the alteration of its policy or of any other element in the situation, to build railways just as it was already building an interstate roadway or just as it proposed to build canals if it so decided.

Then befell an action by President Monroe the first effect of which was to precipitate a violent political and economic controversy over the government's attitude toward interstate transportation facilities, and whose ultimate result was a reversal of the established Federal policy regarding that subject and an abandonment of the National Road as a national undertaking. On May 4, 1822, he vetoed an act "for the preservation and repair of the Cumberland Road," saying that he did so "under a conviction that Congress do not possess the power, under the Constitution, to pass such a law." His message went on to say:

> "A power to establish turnpikes, with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvements. . . . A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations (under which power, with the consent of the States through which the road passes, the work was originally commenced, and has been so far executed). I am of opinion that Congress do not possess this power. . . ."

It is not likely that the President, when here speaking of the work "so far executed," referred to the manual labor then in progress as an outcome of the governmental mandates. He was discussing national prerogatives and policy. But if he did have in mind that phase of the undertaking when he said the work so far executed had been done "with the consent of the states through which the road passes," it is only needful to remember that, for the two years preceding, part of the human labor involved on the roadway had been performed in the jurisdictions of Ohio, Indiana and Illinois, in connection with surveying and laying out the thoroughfare. That work was being done under the direction of Congress, at the expense of the national treasury. When Monroe made his statement concerning the relationship of the states to the work so


GREAT CONFLAGRATION AT PITTSBURGH, PA.

209.—The Pittsburgh Fire of 1845, at the height of the city's importance as water gate to the West. Most important of the early pictorial "Catastrophe Broadsides." Steamboats, bridges and about 1,200 buildings were burned.

far executed, the Federal government had created by legislation a highway extending from Maryland to Missouri; had provided financial means for its progress throughout its length; had completed much of it, and was at public cost fixing its exact course through that part of its extent still unfinished. And the government had not, for sixteen years, directly asked the consent of any state crossed by the work or had its action in the matter challenged by any state concerned.[1] The congressional representatives of all the states had formulated the acts by which those things were done. Three laws providing for further road building on the highway between the Ohio and Mississippi Rivers, under the direction of Congress, had been passed during Monroe's administration and signed by him.

From that time the broad subject of Federal rights and duties in matters affecting the public irrespective of state boundaries became in much larger degree a shuttlecock of politics in an era of increasingly violent partisanship. Party strategy and the possibility of personal or corporate advantage gradually became paramount to other considerations in determining the economic course of the country.

Monroe, indeed, was right in his definition of the significance contained in the attitude so long held by the nation. The series of related acts passed by the legislative branch of the government, beginning in 1802 and ending with the one vetoed by him twenty years later, did imply, as he said, "a power to adopt and execute a complete system of internal improvements."

Thus close did the country come to the building and ownership of its railways from the beginning. Within three years after Monroe's veto of 1822 the first railway of the world designed as a public utility[1] was in operation; within four years thereafter the probable value of railroads as a method of travel and transportation was the principal subject of economic discussion in America; and one year afterward American state charters were being asked and granted for the construction of railways by private corporations. By that time the government would have found itself face to face with the question of building railroads as public enterprises, and — if the new transportation method proved advantageous — might have entered naturally and logically into their creation under the policy it had pursued since 1802. Only by that action could it have kept abreast of progress and the needs of the people in the one matter then of supremest importance to them. President Monroe's action challenged Federal right to compete with corporate enterprise in supplying the people with those public utilities most requisite for their general welfare and daily use. No other method than that could seemingly have diverted the country from its established policy to another and radically different position which permitted the country's most important interstate and national highways to become projects of corporate creation, financial speculation and eventual private fortune-building accomplished to an unknown degree by illegitimate inflation of capital and service charges fixed in accordance therewith.

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[1] The consents of Virginia, Maryland and Pennsylvania had not been embodied in their basic laws, and could have been withdrawn, though it is by no means certain that the rest of the country would have stopped the work in that event.

The juxtaposition of Monroe's veto and the appearance of the first railroads was a fateful coincidence. The significance of the American government's attitude from 1802 to 1822; its later logical result if uninterrupted; the date of the appearance of railways; the clouding of American pioneer purpose by argument over the technical legality of that purpose; and the effect produced by diverting the government's activity from its previous channel, are matters possessing a close relationship. If the radical alteration in the national policy at a most critical time of American economic history was not brought about by any contemporaneous foresight of its enormous consequences, then the chain of events here outlined does indeed indicate how profoundly the affairs of men are sometimes affected by the whims of chance.

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[1] The Stockton and Darlington road, in England.

The only specific Constitutional authorization bearing upon the point at issue so strongly emphasized by Monroe was the clause which provides that Congress shall have the power "to establish Post Offices and Post Roads." "Strict constructionists" denied that this gave the general government a right to undertake such work as the building of interstate communication facilities. "Broad constructionists" of the Hamiltonian school met the argument with their doctrine of "implied powers," and pointing to the "general welfare" clause and that other "elastic clause" which confers upon Congress the right "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers," contended that the authority of the central government was ample for such internal improvements.

It should not be understood that the attitude of Congress toward the Cumberland Road was always uniform, even before Monroe's veto of 1822, or that the national legislature gave a continuous measure of unanimous approval to all other plans of internal improvement. That was not the case. Sometimes a Congress would be elected in which the preponderance of sentiment was so strongly in favor of such general welfare work that the bills in behalf of the government's road would be decisively passed as a matter of course. At other times a Congress would be returned whose membership was more equally divided with regard to the wisdom or constitutional propriety of the procedure on which the country had embarked, and then there would be long — often sharp and earnest — debates on the subject, and the interstate road bill would be temporarily beaten, or carried by a smaller majority than usual. But the general trend of thought was always in favor of the project, and — even after it had been made a subject of factional argument and a pawn in the struggle for political supremacy — the only substantial opposition to it was outwardly based on doubt respecting the constitutional power of the government to create such a thoroughfare as a national undertaking.

Monroe's predecessor — Madison — had been one of those who favored the creation of an interstate transportation system by Federal authority and the use of treasury funds, even though he was at times doubtful whether the Constitution contained provisions specific enough to warrant the performance. But his doubt on the point was evidently not sufficiently marked to influence him against the Cumberland Road project, for during his presidency he signed seven bills authorizing the expenditure of money for its building. His attitude toward governmental participation in highway and canal construction was shown in his annual message of December 5, 1815, when he discussed the subject in these words:

> "Among the means of advancing the public interest, the occasion is a proper one for rousing the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economies so richly repay the expense bestowed upon

them. There are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the Government. . . . Nor is there any country which presents a field where nature invites more the art of man to complete her own work for their accommodation and benefit. The considerations are strengthened, moreover, by the political effect of these facilities for intercommunication and bringing and binding more closely together the various parts of our extended confederacy.

"Whilst the states, individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals and by improving the streams susceptible of navigation, the general government is the more urged to similar undertakings requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. And it is a happy reflection that any defect of constitutional authority which may be encountered can be supplied in the mode which the Constitution itself has providentially pointed out."[1]

Jefferson had looked with favor on Federal participation in the making of a national transportation system, for he had approved the basic law of 1802 that provided for a road to Ohio. It was also during his presidency, and by his financial secretary, Gallatin, that the plan for the Cumberland Road was proposed as an administration measure. The construction work on it was begun by Jefferson after he had asked and received the consent of the first states involved.

On at least one occasion, namely in 1824, the national campaign for the presidency was fought largely on the issue of the government's constitutional right to build roads and canals. Despite the obvious benefit to the country of the construction of such an East and West interstate highway as a national road, the thoroughfare in question could only occupy a certain specific location, and some of its benefits, in consequence, were naturally more apparent in the immediate vicinity of the highway than in regions remote from it. This inevitable condition aroused the jealousy of the states and districts it did not penetrate — or at least the jealousy of various political leaders in those localities. The people as a whole were in favor of the enterprise, whereas some public men both of large and petty importance were willing it should be discontinued—provided its further extension brought no personal benefit to them — rather than behold the country reap advantages from its existence. The use of political warfare over an economic policy which contained no element of partisanship or incentive thereto was but a further manifestation of a long existing condition. Again did the masses of the people have clearer vision than their ostensible leaders. In matters touching the economic and social well-being of a nation its citizens prefer to turn unheeding from any advice or plea to which suspicion of self-interest may attach, and decide the question in the light of experience gained by themselves or others, according to their best understanding. If instead they permit themselves to be inflamed by appeals to partisanship they lose in corresponding degree the faculty of judgment and more easily become the dupes of designing men. An error of popular judgment attributable to no other cause than lack of knowledge or careless thought is reasonably sure of speedy detection and correction, whereas the public error born of passion and nurtured by partisanship breeds still further passion and more error when its victims recognize their situation and seek to escape from its effects.

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[1] On the day before retiring from office he did veto one bill setting aside money received by the government from the second United States Bank and the proceeds of the bank shares held by the government, for the purpose of constructing roads and canals. In his veto message he said: "The power to regulate commerce among the several states cannot include a power to construct roads and canals, and to improve the navigation of water courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms."

Those who advocated such work, however, did not base their support of it on the constitutional power to regulate commerce between the states.

The popular champion of the westward extension of the Cumberland Road was Henry Clay. He advocated the measure as one national in its character, beneficial to all the country and not merely to the West. He pointed out that not one of the three states in which were contained the entire extent of the original Cumberland Road — nor all of them together — would of their own volition have created that highway; that two of them, in fact, afterward tried for a short time to place impediments in the way of its completion. During the campaign of 1824, as part of an address advocating the participation of the central government in the creation of improved transportation facilities, he thus gave utterance to his vision of the future:[1]

> "The gentleman from Virginia sought to alarm us by the awful emphasis by which he stated the total extent of post road in the Union. 'Eighty thousand miles of post road!' exclaims the gentleman; 'and will you assert for the general government's jurisdiction and erect turnpikes at such an immense distance?' Not to-day, nor to-morrow, but this government is to last, I trust, forever; we may at least hope it will endure until the wave of population, cultivation, and intelligence shall have washed the Rocky Mountains and mingled with the Pacific. And may we not also hope that the day will arrive when the improvements and comforts to social life shall spread over the vast area of this continent? . . . It is a peculiar delight to me to look forward to the proud and happy period, distant as it may be, when circulation and association between the Atlantic and Pacific and the Mexican Gulf shall be as free and perfect as they are at this moment in England or in any other country of the globe."

Clay was at last temporarily victorious. Congress passed a law appropriating one hundred and fifty thousand dollars for further work on an extension of the road through Ohio, Indiana and Illinois, and directing the completion of the survey ordered by the act of May 15, 1820. This act was approved and signed by Monroe on March 3, 1825, as one of his last Presidential duties. It was the first piece of legislation in behalf of the Na-

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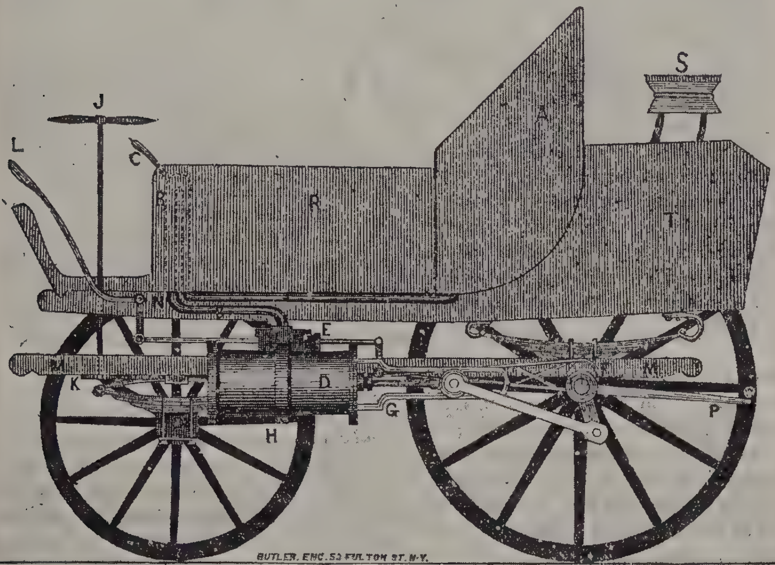
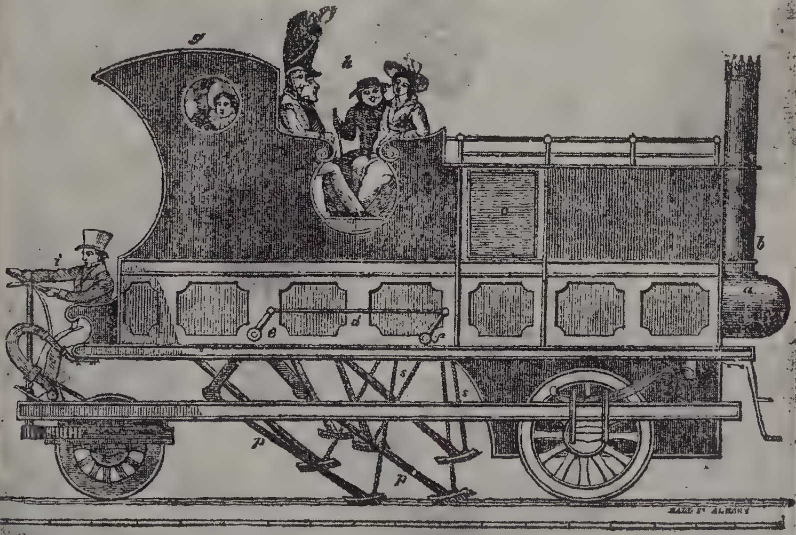
[1] In his speech of January 31. Text from the "Western Censor" (Indianapolis, Ind.) of March 22, 1824.

STEAM CARRIAGES FOR COMMON ROADS.





MR. GORDON'S NEW STEAM CARRIAGE.

210.—Two ancestors of the twentieth-century motor-car. David Gordon's patent was dated 1824. He thought it was necessary to imitate the action of horses' feet, and his car was propelled by mechanical legs. The other carriage was made by Horace Gurney, about 1848, and had a speed of 8½ miles an hour on common roads.

tional Road west of Wheeling that had been enacted since Monroe, in his veto of 1822, had brought forward in acute form the subject of the government's constitutional right to do the work. The building of the turnpike then went ahead, and during John Quincy Adams' administration — between 1825 and 1829 — that Executive approved eight bills carrying appropriations aggregating nearly three-quarters of a million dollars for maintaining the highway and extending it westward.

But the question previously raised by Monroe — and especially his clear definition of the tremendous significance contained in the government's previous policy — was having its effect. By the time Jackson took office, in 1829, two conditions were clearly visible. Railroads were in actual process of construction, for one thing; and the doctrine that the central government had no power in or over a state except as specifically and unmistakably set forth by the Constitution was in the ascendency. These two factors in the national life—one economic and the other political—interacted on each other, and both influenced the government's attitude toward the National Road. Jackson himself was a "state's rights" man in the broad sense of the term, and his opinions on that subject were in harmony with those of the party which had placed him in power. He did not permit his belief to affect his financial support of the National Road, for during the eight years of his Presidency he approved ten laws appropriating nearly three and three-quarter millions of dollars for that enterprise, but he did oppose Federal ownership and control of the highway, and during his administration the several sections of the road were transferred to those states within whose borders they lay.

Thus, at the commencement of the railway era, the existing national policy which if continued could have resulted in Federal building of railroads was reversed, and it naturally followed that administrative endorsement for any proposals for governmental creation of the new metal highways was impossible while Jackson remained the chief executive. Those were the critical years during which the economic method of railroad building in America was decided.

Although Jackson's natural habit of mind was doubtless in harmony with the position he took toward the National Road, his attitude in that matter and kindred questions was very possibly strengthened by a certain situation encountered by him during the first part of his Presidency. The earlier governmental adoption of a policy that Federal resources might be constitutionally used in the creation of public thoroughfares had uncovered a rich stream of popular avarice. It had resulted in a widespread effort to obtain national assistance not only for important and necessary projects, but for a multitude of enterprises entirely local in character and which had no justifiable claim for the assistance of the central treasury. Instead of formulating a clear-cut, carefully planned and reasonable scheme for developmental work under the adopted policy, Congress had gradually become the theater of a mad scramble in which nearly all states and sections of states took part, in an endeavor to obtain public money for small, unimportant and non-national enterprises. This tendency had become especially evident during the years from 1825 to 1829, in which period the need of improved transportation was a subject uppermost in public thought. Hundreds of these schemes were doubtless devised without expectation of their value or permanent success as economic undertakings, but in the hope that the physical construction called for by them would bring rich profits to their projectors.

By the year 1830 bills had appeared in Congress for the proposed construction of isolated and disconnected turnpikes, canals, railroads and similar enterprises whose completion would have required more than two hundred and sixty millions of dollars. This state of affairs made it apparent that a rigid line must be drawn which would effectively exclude non-national public works from participation in national support, or else the Federal government would be compelled to abandon its position that the investment of treasury funds in such construction was warranted by the Constitution. The question thus presented became an important issue throughout the country, and in 1830 President Jackson took occasion, on the presentation to him of a bill which had been passed for the building of a small local turnpike,[1] to write a very strong veto message in which he pointed out that the government had no right to use its money for the creation of any enterprises confined wholly to individual states. His position was generally endorsed by the press and public, and the proposed raids on the treasury decreased from that time on.

At the time President Jackson vetoed the Maysville Road Bill not less than a hundred and eleven surveys, estimates and plans for canals, roads, railroads and river improvements were formally before Congress. These, it was calculated, would cost about sixty-three million dollars. Other similar projected improvements — not so far advanced in legislative consideration — would have cost two hundred million dollars more. At that period the total Federal receipts were only about twenty-four million dollars a year, of which sum ten per cent. was appropriated for decreasing the national debt, leaving less than twenty-two million dollars a year for paying all other operating expenses of the government. It was therefore obvious that embarkation in such an overwhelming amount of work as was contemplated by the mass of bills for public improvements — even though they had all been legitimately deserving of support under the policy adopted by the government — was out of the question.

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[1] The Maysville Road Bill. The project was a proposed turnpike sixty miles in length and lying wholly within the state of Kentucky.

President Jackson's action in calling a halt to the effort to use public money in local enterprises did not, however — as has been shown — apply to the National Road. Even Jackson, at the same time he wrote his elaborate message vetoing the Maysville Road Bill, approved another act which appropriated two hundred and fifteen thousand dollars[1] additional for the further extension and improvement of the government-built turnpike.

As originally planned, the Cumberland Road from Cumberland to Wheeling, a distance of practically one hundred and thirty miles, was to cost one and three-quarter millions of dollars. The further westward projection of the highway brought it to Columbus, Ohio, in 1833, and to Vandalia, Illinois, in 1852. More than thirty acts of Congress contained provisions for its building and maintenance between 1806 and 1838, and its total cost to the government was not far from seven millions of dollars.[2]

The roadway was made eighty feet wide, with a central section thirty feet in width covered with broken stone a foot deep and topped with a surface layer of gravel.

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[1] Of which sum $115,000 was to be expended in Ohio, $60,000 in Indiana, and $40,000 in Illinois.

[2] Some estimates put the figure at about ten millions. The difficulty of analyzing and tracing early financial legislation makes it impossible to give the exact amount.

But this turnpike construction was not continued west of Indiana. Long before the road reached the town of Terre Haute, on the western edge of that state, it was realized by the people that the highway and its stage-coaches were not destined to be the chief means and method for all future communication with the East. Canals had come, only to be threatened in their turn by the westward creeping iron rails, and desire turned from the old ways to seek the new. So the turnpike lapsed into a dirt road across the prairies of Illinois and finally came to an end at Vandalia, whence another similar route led onward to St. Louis.

CHAPTER XXXIII

LIFE AND SCENES ON THE NATIONAL ROAD — THE TYPE OF MEN WHO WORKED UPON IT — THREE CHARACTERISTIC FEATURES OF ITS TRAFFIC — FURTHER EVOLUTION OF THE STAGE-COACH AND IMPOSING APPEARANCE OF THE VEHICLE IN ITS FINAL FORM — SOME FAMOUS DRIVERS — FEATS OF HOMER WESTOVER AND REDDING BUNTING — CONESTOGA WAGON TRAINS AND THE WAGONERS WHO PILOTED THEM — THE JOKE ON GUSTY MITCHELL — HOG MUSIC — PROGRESS OF A PRESIDENT'S MESSAGE — FATE OF TRAVELLERS WHO JOURNEYED WITH THE DOCUMENT — SPECIAL COACHES FOR THE PRESIDENTS THEMSELVES — VAN BUREN'S ACCIDENT — INCENSE TO THE MEMORY OF A VANISHED DAY

THE first stage-coach which rumbled over the entire eastern section of the famous interstate highway between Cumberland and Wheeling reached the last-named town on August 1, 1817. After that date the project—as far as its value to the interior was concerned — remained at a standstill for a number of years. But after its extension through the Mississippi valley, and from about 1827 until about 1850, the National Road became the chief east-and-west artery of traffic from the Atlantic seaboard to the middle states. Its activities not only intimately affected the growth of the interior, but throughout its entire length played an important part in the regions which it traversed. Thousands of individuals were concerned, as a matter of business enterprise, in its maintenance and in the traffic which it bore. The tavern keepers, wagoners, packmen, stage drivers, hostlers, and all others who spent their lives in going back and forth upon it, or in ministering to the needs of travellers, were very largely the descendants of English emigrants, and their names furnish an interesting exhibit of one element which had colonized the country.[1]

The following is a list of some of the well-known characters of the National Road during the heyday of its importance:

Charles Allum
Davis Ashkettle
Samuel Breakbill
Jacob Breakiron
Redding Bunting
George Buttermore
David Bonebraker
George Clum
Caleb Crossland
Joseph Doak
Hugh Drum
Paris Eaches
Frank Earlocker
George Gump
John Guttery
Robert Hogsett
James Klink
John Livingood
Michael Longstaff
Jeff Manypenny
John Mauler
Spencer Motherspaw
Baptist Mullinix
James Noggle
John Olivine
Abner Peirt
Peter Penner
Elias Petticord
Samuel Riddlemoser
Jeph Riggle
Basil Sheets
Caldwell Slobworth
Samuel Sidebottom
Isaac Skiles
Philip Slipe
John Smasher
Quill Smith
Nimrod Sopher
Michael Teeters
Thomas Thistle
Jacob Wagoner
Adam Yeast

A knowledge of the methods used in constructing the highway can be obtained from newspapers of the time. When Congress had authorized its opening through Ohio and Indiana, the Indiana superintendents of the work published advertisements in the papers of the state in June, 1829, reciting the conditions required of the contractors. The road there, as elsewhere, was to be eighty feet wide, and for a width of thirty feet in the center —

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[1] Nearly all these surnames have become practically extinct in modern American society.

according to the first specifications published — all stumps were to be grubbed up and removed entire. All hills were to be cut down and all valleys filled, so that no grade should exceed four degrees after the road was completed. On either side of the thirty feet all timber was to be cut and removed.

Investigation speedily brought to light the fact that such an amount of timber cutting and stump grubbing was not practicable. It would have exhausted the appropriations while building but a small part of the proposed thoroughfare. In August, therefore, the specifications for the road were amended and new ones were issued which read:

> "The central part of thirty feet to be cut in the following manner, to wit:—All the trees of one foot in diameter (at one foot from the ground) and under to be cut level with the surface; all from one foot up to eighteen inches in diameter to be cut not exceeding nine inches from the surface of the ground; and all trees over eighteen inches diameter to be cut not exceeding fifteen inches from the surface; and all stumps within the said center of thirty feet must be rounded and trimmed in such a manner as to present no serious obstacles to carriages." The specifications further said that "of the remaining fifty feet all stumps must be left not exceeding one and a half feet in height."[1]

The careful manner in which is here described the extent to which stumps might be left in the most important overland traffic route then being built in the country, indicates the nature of the roads of the Middle West at that period and the difficulties which attended their use. It is evident that stumps one foot or more in width and from nine inches to fifteen inches in height were not then considered as serious obstacles to vehicular traffic. There still exists in Indiana a legend that many of the stage-coach drivers who piloted their craft over the path here described could tell on the darkest night whether they had strayed from the thirty feet of good road into the margin at the side.

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[1] From the "Western Sun," September 12, 1829.

But considering the handicaps which then beset road builders, much of the work was exceedingly well done; better in some aspects than is often the case when public works are in process of construction to-day.[1] The stumps obstructing the roadway through the three western states gradually disappeared, the surface of broken stone and gravel altered it to a turnpike in Ohio and many parts of Indiana, and for years it excellently served the purposes that inspired its creation.

That part of the National Road between Cumberland and Wheeling was much more substantially built than those portions of it lying between the Ohio River and its western terminus. Of the eastern section of the highway it has been said:

> "Its numerous and stately stone bridges, with handsome, turned arches, its iron mile-posts, and its old iron gates, attest the skill of the workmen engaged on its construction, and to this day remain enduring monuments of its grandeur and solidity.[2] . . ."

The same authority just quoted gives this description of traffic on the road during the days of its greatest importance:

> "As many as twenty four-horse coaches have been counted in line at one time on the road, and large, broad-wheeled wagons, covered with white canvas stretched over bows laden with merchandise and drawn by six Conestoga horses were visible all the day long at every point, and many times until late in the evening, besides innumerable caravans of horses, mules, cattle, hogs and sheep. It looked more like a leading avenue of a great city than a road through rural districts. . . .

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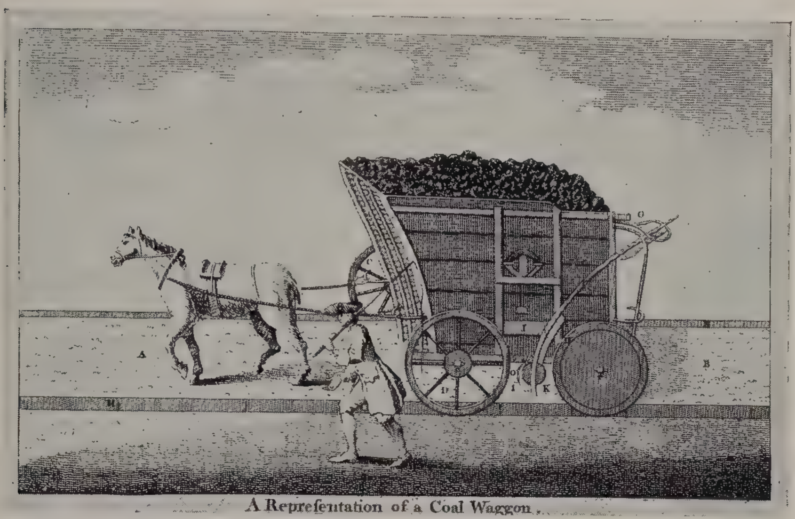
[1] This was especially true of engineering details such as arches, stonework and bridges. An example of the conscientious methods and careful construction then in vogue is to be found in the history of the old National Road bridge at Indianapolis, Indiana. It was built of hewed yellow poplar timbers, stood without material deterioration for about sixty years, resisted many important floods of the White River unscathed, and finally had to be torn down. It was replaced by a costly modern structure of stone and concrete that was utterly demolished and swept away in 1913, after but a few years of service.

[2] Thomas B. Searight's "The Old Pike: A History of the National Road, etc." Uniontown, Pa., 1894: p. 16. Searight's book is the most important monograph dealing with the history of the Cumberland Road and the human activity along its course. The old iron gates here mentioned have disappeared.


A Repreſentation of a Coal Waggon
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B
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211.—Development of the railway. An English coal wagon, about the year 1800. Most advanced application of the railed track principle, either in Great Britain or America, at that time. England had been running wagons on rails since about 1649, and had been making iron rails since 1738. The following one hundred and twenty-one illustrations, to No. 332 inclusive, depict the introduction of railroads into America, their improvement and effects, human experience in their use, and their westward advance toward the Mississippi River until the year 1857.

Excitement followed in the wake of the coaches all along the road. Their arrival in the towns was the leading event of each day, and they were so regular in transit that farmers along the road knew the exact hour of their coming without the aid of watch or clock. They ran night and day alike. Relays of fresh horses were placed at intervals of twelve miles as nearly as practicable. . . . Teams were changed almost in the twinkling of an eye. The coach was driven rapidly to the station, where a fresh team stood ready harnessed waiting on the roadside. The moment the team came to a halt the driver threw down the reins and almost instantly the incoming team was detached, a fresh one attached, the reins thrown back to the driver, who did not leave his seat, and away again went the coach at full speed."[1]

The three characteristic features of traffic over the National Road were the stage-coaches, the trains of Conestoga freight wagons, and pack-trains of either mules or horses — mules being usual. The stage-coaches were ornate and spectacular apparitions, painted in bright colors and occasionally even gilded. Their panels were decorated with portraits of famous men, with allegorical designs or landscapes.[1] Their interiors were handsomely finished and painted, and lined with soft silk plush. The coaches were, indeed, vastly different from those elsewhere observed in the panorama of the early days. The slow and primitive canvas-covered "Stage Wagons" and "Flying Machines" of seventy-five years before had first developed into the more substantial type of vehicle such as was used throughout the East from 1780 to 1800. These, as indicated in contemporary pictures of them, had heavy wooden sides and tops. The next step in the evolution of the American stage-coach was its assumption of body lines that were slightly curved, and so pronounced did this ellipse-like tendency become that by 1820 the typical American coach was similar to the one drawn by Captain Hall of the British Navy, or the coach approaching the mansion house at Middletown, and the stage-coach of 1818. By this time the football shape was the distinguishing characteristic of the coach body. The top continued the curve of the under portion of the vehicle, and no baggage or other burden could be carried on the roof.

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[1] Searight: pp. 16 and 147.

An ordinary stage-coach of 1820 and thereafter contained three transverse seats, and each seat accommodated three passengers. The three travellers who occupied the front seat sat with their backs toward the driver; the others faced the horses. A tenth passenger could be accommodated outside with the driver, and in fair weather

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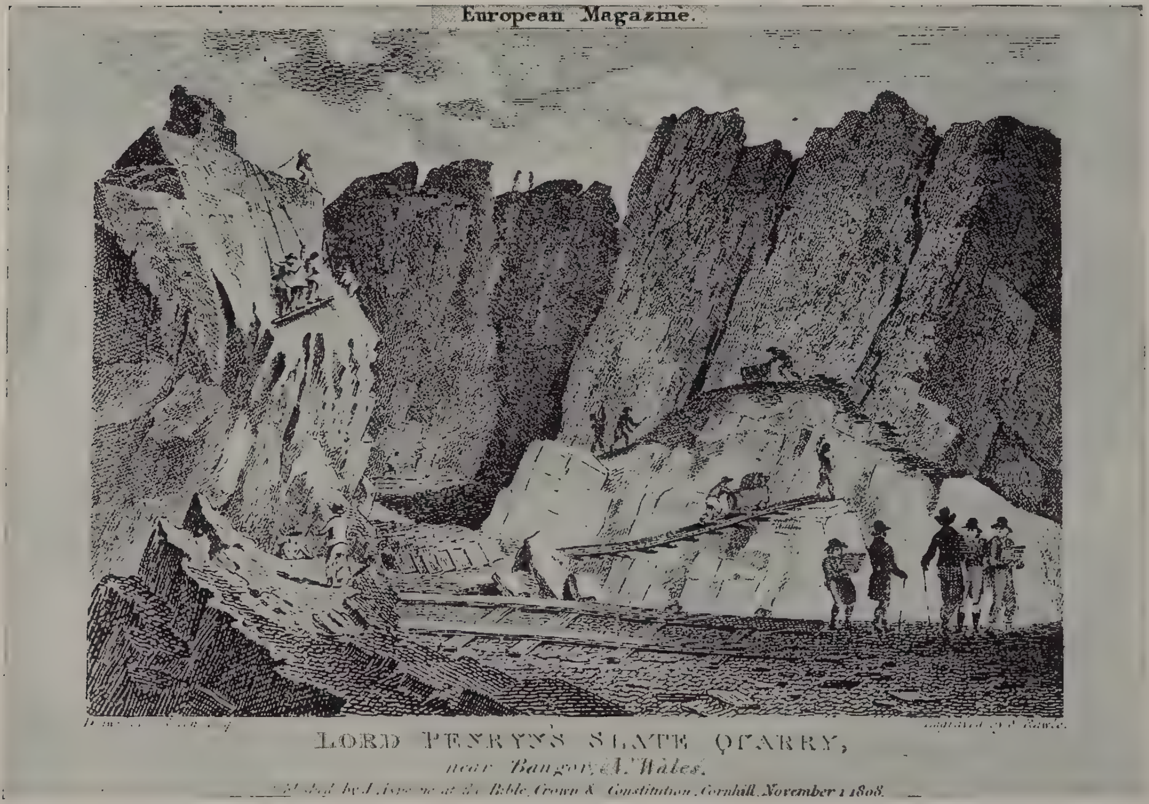
[1] "There was one mail coach that was especially imposing, and on its gilded sides appeared a picture of a post boy, with flying horses and horn, and beneath in gilt letters this awe-inspiring inscription:

"He comes, the herald of a noisy world,
News from all nations lumbering at his back.

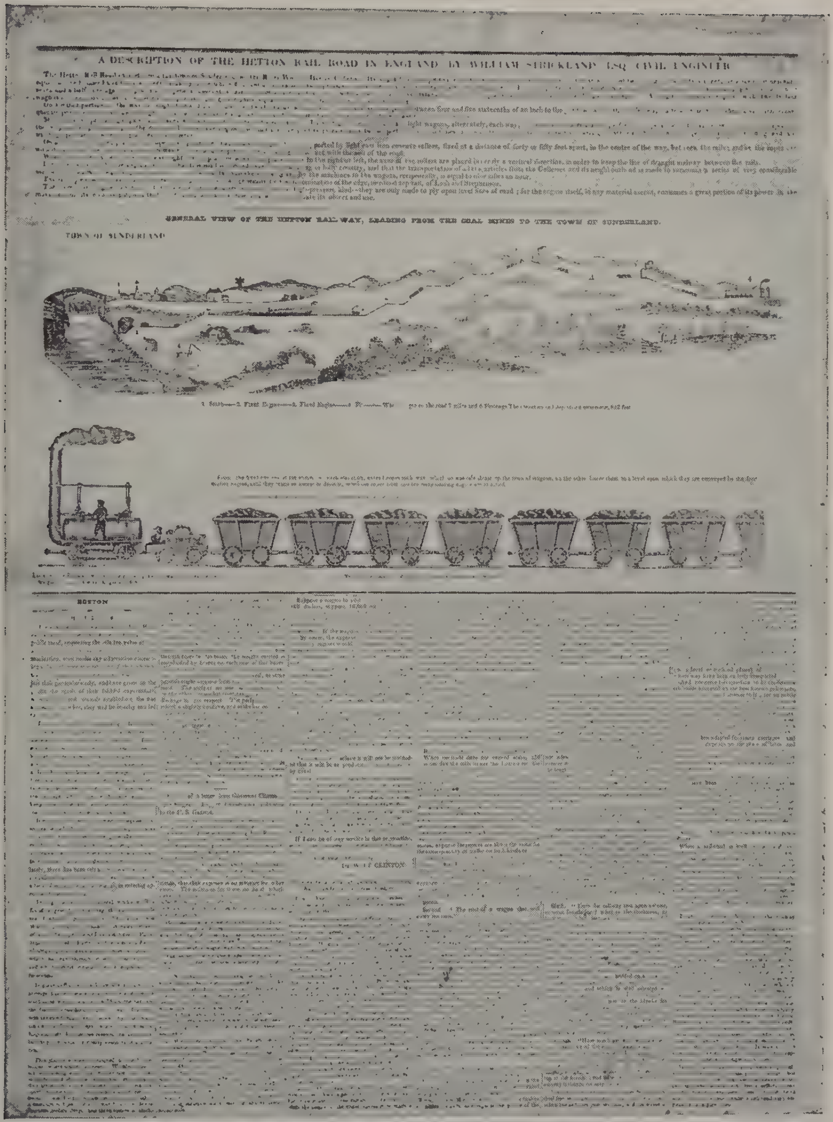
"No boy who beheld that old coach will ever forget it."—Searight: p. 148.


European Magazine.
LORD PENRYN'S SLATE QUARRY,
near Bangor, N. Wales.
Publish'd by J. Asperne at the Bible, Crown & Constitution, Cornhill, November 1 1808.

212.—A Welsh railroad in 1808. Several similar constructions, of which contemporary pictures are unknown, were in use in America from the year 1795. By 1812 the modern railway, in its essential features, had been described in prediction by American mechanical engineers.

this position was eagerly sought. Small luggage could be stowed away under the seats, and more bulky objects were deposited in a receptacle at the rear called a "boot." But one more noticeable change in the appearance of the stage-coach took place during the years of its widespread use. That was an abandonment of the oval roof for the comparatively flat surface on which baggage could be carried. This change also permitted a little additional space in the interior. Since those were the days before metal springs, the propriety of conveying passengers intact to their destinations — combined with a strong desire of the travelling public to be so delivered — had resulted in the creation of a device called thorough-braces. The contrivance was a pair of leather springs, or supports on which the body of the coach hung above the axles, and which transformed the old jolting of the Flying Machine into a series of oscillations that were almost equally violent, but decidedly less destructive to the occupants of the vehicle thus equipped. Thorough-braces were very long and wide, the pieces of tanned hide being either riveted or laced together, and each superimposed on another until a support equal in thickness to a dozen strips of heavy leather had been built up. On these two fore-and-aft supports the stage-coach body rested, and by their use a considerable part of the earlier discomfort of travel by stage was taken away.

The flat-topped coach — which probably first appeared about the middle of the third decade — came to be universally known as the Concord coach because its finest and most popular examples were the product of the little village of Concord, in New Hampshire. After the Concord coach appeared it soon superseded all other varieties of stage conveyances and spread through all parts



A DESCRIPTION OF THE HETTON RAIL ROAD IN ENGLAND BY WILLIAM STRICKLAND ESQ CIVIL ENGINEER

GENERAL VIEW OF THE HETTON RAIL WAY, LEADING FROM THE COAL MINES TO THE TOWN OF SUNDERLAND.

TOWN OF SUNDERLAND

BOSTON

213.—The *American Traveller* Broadside issued in Boston in 1826. Probably the primary picture of an actual railway printed in the United States. Explaining the Hetton railway of England, and discussing the interest in railroads already acute in some parts of this country. First of six illustrations of early American literature on the subject.

of the country. It continued in active use in the West until as recent a date as 1880, and a few specimens are still employed in out-of-the-way localities.

Every coach on the National Road and its contemporary turnpikes had an individual name which was painted on each door. All the early heroes of the Republic as well as prominent personages of the times were immortalized by vehicles named in their honor. There was a *Washington* coach, a *Lafayette,* a *General Wayne,* a *General St. Clair,* a *General Harrison,* a *Rough and Ready,* a *Madison,* a *Monroe,* a *Henry Clay,* and even a *Columbus,* a *Pocahontas,* a *Santa Anna* and a *Queen Victoria.* Other coaches were named for the principal states and cities of the country and for foreign countries. There was also an *Erin Go Bragh.*

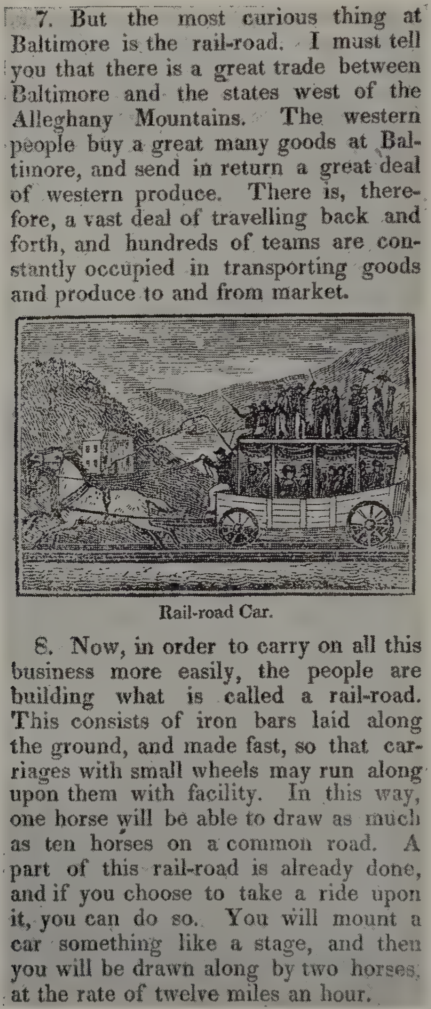
The two principal characteristics that exalted any particular stage-coach driver among his fellows of the craft were redoubtable feats of driving or personal peculiarities. Three of the most famous drivers of the National Road were Homer Westover, Redding Bunting and Montgomery Demming.

Westover was one of the most expert reinsmen of his time, and his feat of driving from Uniontown to Brownsville — a distance of twenty miles — in forty-five minutes long remained a record to be aimed at by his almost equally skilful competitors. This bit of work was performed as part of the task of distributing to the public printed copies of a special message addressed to Congress by Van Buren. The message was taken from Frederick to Wheeling — two hundred and twenty-two miles — in twenty-three and a half hours. A speed of almost ten miles an hour was thus maintained for a day and a night.

The famous Redding Bunting was notable for both those reasons which made a driver conspicuous among his rivals. He was six feet and six inches tall without his boots, stood straight as a ramrod, had large, strong features, a red face, and a deep and powerful voice. When perched on top of the immense mail coach of the Stockton Line and guiding its splendid team of six matched horses, he assuredly cut an imposing figure. Many were his deeds of valor, but perhaps his most extraordinary accomplishment was on the occasion of the conveyance of the message in which President Polk notified the country that war with Mexico had begun. On that occasion he drove one hundred and thirty-one miles in twelve hours, or practically at the rate of eleven miles an hour. When his passengers recovered they said they would never forget him.

Montgomery Demming, while a good driver, owed his celebrity chiefly to his vast bulk. He slightly exceeded six feet in height and his average weight, when in good training, was four hundred and sixty-five pounds. But that was in the heyday of his busy career. As he grew older his size increased, and at his death he weighed six hundred and fifty pounds.

Another striking feature of daily life along the National Road was the Conestoga wagon traffic. The bottom of a Conestoga wagon curved upward both in front and rear, for a reason already stated, and all such vehicles were substantially identical in appearance. The ponderous wheels bore wrought iron tires from four to six inches in width. Six horses constituted the customary team, and the harness in which they marched was in keeping with the remainder of the massive outfit. The back-bands were usually fifteen inches in width, the hip-straps were ten inches wide, and heavy black housing covered the horses' shoulders down to the bottom of the hames. The traces by which a wagon was pulled were heavy iron chains made of short, thick links. The waggoner's saddle was a capacious seat covered with black leather and having long wide skirts. The bells used on the harness of the horses were not like the sleigh-bells of to-day. They were cone-shaped, almost as large as small dinner bells, and were fixed on wrought iron arches over the tops of the hames.



7. But the most curious thing at Baltimore is the rail-road. I must tell you that there is a great trade between Baltimore and the states west of the Alleghany Mountains. The western people buy a great many goods at Baltimore, and send in return a great deal of western produce. There is, therefore, a vast deal of travelling back and forth, and hundreds of teams are constantly occupied in transporting goods and produce to and from market.

Rail-road Car.

8. Now, in order to carry on all this business more easily, the people are building what is called a rail-road. This consists of iron bars laid along the ground, and made fast, so that carriages with small wheels may run along upon them with facility. In this way, one horse will be able to draw as much as ten horses on a common road. A part of this rail-road is already done, and if you choose to take a ride upon it, you can do so. You will mount a car something like a stage, and then you will be drawn along by two horses, at the rate of twelve miles an hour.

214.—A description of the Baltimore and Ohio railroad in its earliest days, and picture of a horse-drawn car on it. From a schoolbook of the period.

The men who had charge of these huge, gaudily colored wagons and heavily laden pack animals were a distinct class of the society of those days. They occupied, in the affairs and life of the National Road, a position very similar to that held on the rivers by the flatboat men. Their days were arduous, full of oaths, excitement and hard labor. In the early morning, after hurried breakfasts, they deftly assembled their caravans amid a hurricane of loud cries and curses, and set off for the day's journey. They usually halted for an hour or two in the middle of the day at some well-known roadside hostelry where they could feed their animals, eat an enormous quantity of food themselves, and meet and argue with such acquaintances as might also have reached the same point while travelling in the opposite direction. Then, after copious drinking and boisterous farewells, they would again take up their appointed way. Many of the countrymen and settlers of the near-by districts could also be found at the taverns at such times, and on the occasion of the arrival of one or more large pack-trains and several stage-coaches laden with travellers, the scene before an inn was one of almost indescribable animation, noise and confusion.

Stage-coach travellers and freight traffic did not stop at the same taverns along the National Road.[1] When a wagoner reached his destination of the day he put his team in the wagon yard, where the horses remained until morning without regard to the state of the weather. During winter nights the animals were protected by blankets. They were fed from two feed troughs carried during the journey at the rear of the vehicle. When in use the feed troughs were attached to the wagon tongue, to which the horses were also tied, three on a side.

The wagoners carried their own bedding with them, and when they had finished their duties to the horses they took their blankets into the big assembly room of the tavern and threw them on the floor, where they themselves passed the night. Both white and negro wagoners slept at the same taverns, but the dark-skinned men ate at separate tables. The cost of a meal at a wagon stand was twelve and a half cents; that of a drink of whisky was three cents. Two drinks ordered at the same time cost five cents.[1]

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[1] Those taverns patronized by freight traffic were known as "wagon stands." The others were "stage houses."

The assembly room of a wagon stand was at night the scene of many rude festivities. The wagoners drank, joked, sang and danced. They especially liked to dance, and all those establishments whose proprietors boasted a practical working acquaintance with the fiddle were sure of plentiful patronage. The spectacle presented by a hoe-down or a Virginia reel danced by thirty or forty boisterous, rollicking and roaring men, who sometimes diversified their enjoyment by resort to practical jokes and fisticuffs, must have somewhat resembled the similar antics that would have been displayed in like situation by a large den of good-natured grizzly bears. In those days the ethics and rules of practical joking were even more loose than those which now govern that branch of sport, as was attested by the experience that once befell a tavern character known as Gusty Mitchell. It was a habit of Mitchell to steal the wagoners' whisky, and one night in a spirit of playful remonstrance at his failing a group of his victims poured turpentine over him and set him on fire. Then — with some effort — they extinguished the flames before fatal injury had been inflicted on Mitchell, who abjured the company of wagoners from that hour.

The scenes in and around a wagon stand at the close of day have been thus described by one who beheld them:[2]

> "I have stayed over night with William Cheets, on Nigger Mountain, when there were about thirty six-horse teams in the wagon yard, a hundred Kentucky mules in an adjoining lot, a thousand hogs in their

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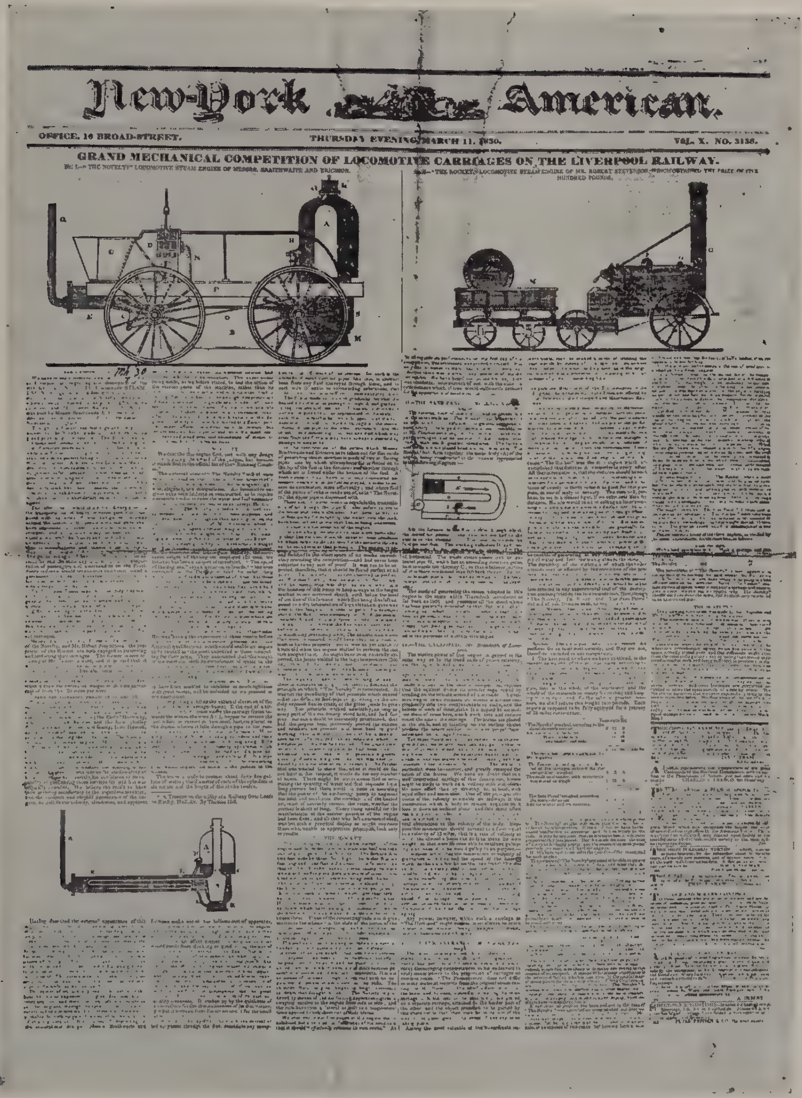
[1] At stage houses the cost of one drink of whisky was five cents.

[2] Searight: p. 142.



New-York American.

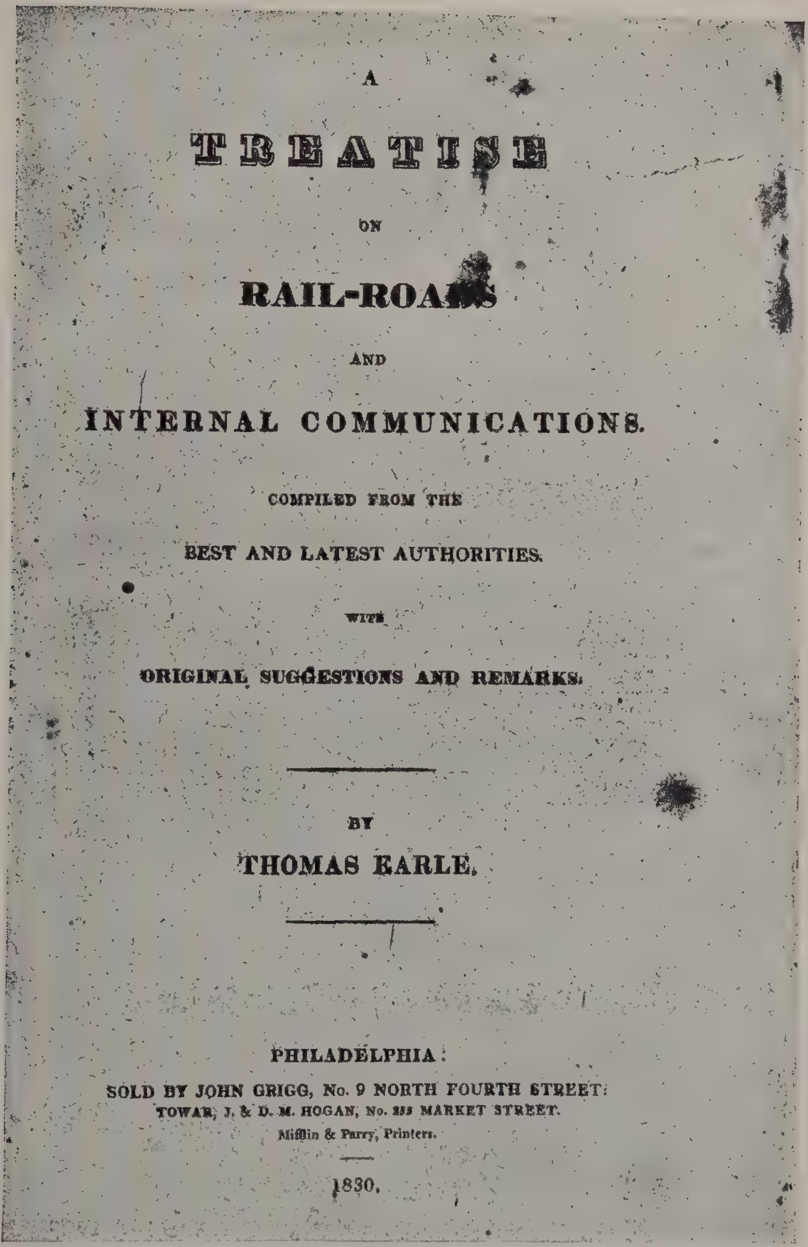
OFFICE, 16 BROAD-STREET. THURSDAY EVENING, MARCH 11, 1830. VOL. X. NO. 3136.

GRAND MECHANICAL COMPETITION OF LOCOMOTIVE CARRIAGES ON THE LIVERPOOL RAILWAY.

215.—The *New-York American* newspaper of March 11, 1830. Its first page was devoted to an account of the steam locomotive tests undertaken by the Liverpool and Manchester railway. The tests, thus treated as news, had taken place five months before, in October of 1829. Braithwaite's "Novelty" engine is shown on the left, and Stevenson's "Rocket" on the right.

enclosures, and as many fat cattle in adjoining fields. The music made by this large number of hogs in eating corn on a frosty night I shall never forget. After supper and attention to the teams, the wagoners would gather in the barroom and listen to the music on the violin furnished by one of their fellows, have a Virginia hoe-down, sing songs, tell anecdotes, and hear the experiences of drivers and drovers from all points of the road, and, when it was all over, unroll their beds, lay them down on the floor before the barroom fire side by side and sleep with their feet near the blaze as soundly as under the parental roof."

One of the wagoners on the National Road in its earliest days was a strong, swarthy young man named Tom Corwin. This youth afterward became a member of the lower house of Congress, and still later was Governor of Ohio and Federal Senator from that state. On an occasion while he and Henry Clay were travelling to Washington together, the two stopped one day at a stage house where Clay was well known but in which Corwin was a stranger. The landlord heard Clay address his companion as "Tom," and this incident — coupled with Corwin's dark complexion — caused the landlord to believe that Corwin was a servant of color in attendance upon the Kentucky statesman. Clay saw the opportunity for a joke on the tavern keeper, and assumed an attitude that served to confirm him in his error. Corwin, of course, fell in with the spirit of the occasion. When dinner was ready Corwin was given a place at the servants' table, which he took in a matter-of-fact way, and during the meal Clay called over to him, "How are you making out, Tom?" To which Corwin replied, "Very well, sir." After the meal was finished the landlord served his distinguished guest with a cigar, and then in an effort to find favor in the eyes of the famous Kentuckian he presented one to "Tom" also. When the stage was ready to resume its journey Clay formally introduced Corwin to the landlord, who was overwhelmed with mortification until the



A

TREATISE

ON

RAIL-ROADS

AND

INTERNAL COMMUNICATIONS.

COMPILED FROM THE

BEST AND LATEST AUTHORITIES.

WITH

ORIGINAL SUGGESTIONS AND REMARKS.

BY

THOMAS EARLE.

PHILADELPHIA:
SOLD BY JOHN GRIGG, No. 9 NORTH FOURTH STREET:
TOWAR, J. & D. M. HOGAN, No. 255 MARKET STREET.
Mifflin & Parry, Printers.

1830.

216.—Title page of an American book on the subject of railways printed in 1830. Quotations from its opinions are given in Chapter XLII.

Ohio man pointed out that he himself had been a party to the deception.

There were still other phases of traffic over the road. There were emigrant families crawling slowly to the West in their smaller canvas-covered wagons, in which the women-folk rode by day and slept by night. Parties like these were usually independent of the taverns, yet whenever possible they encamped for the night near such an establishment in order that their members might mingle with the other travellers, listen to the news and acquire more information regarding the new regions to which they were moving. There were solitary men trudging afoot, often bearing packs upon their backs. These were sometimes advance scouts of families who were contemplating a removal to the interior and who had commissioned some member to go on ahead and gain knowledge that might aid the family in its final choice of a new home. Still others were similar investigators on horseback. And all of these, as well as all the other elements which composed the traffic that thronged the old National Road, met on a common footing at the taverns which were sprinkled along the thoroughfare at distances of two or three miles.

Numerous competing lines of stage-coaches plied on the old government turnpike as well as on all the other highways of that period. Among the stage-coach companies of the National Road were the *June Bug Line,* the *Pioneer Line,* the *National Line,* the *Good Intent Line,* the *Oyster Line* and the *Shake Gut Line.* The *Oyster Line,* as its name implied, made a specialty of transporting oysters, and was a freight enterprise rather than a travel service. The *Shake Gut Line* was largely employed in the swift conveyance of small and important parcels or perishable freight.[1] The *June Bug Line* received its name because of a prediction made at the time its service was begun that the enterprise would not survive until the appearance of the June bugs. The prediction was not fulfilled.

Although there was a keen competition for traffic among the various companies, it was usually the case that all competing stages were taxed to their capacity under ordinary circumstances. Travel over the road was always heavy. It often happened that a dozen or more coaches would leave Wheeling at the same time and in the same direction — either west-bound or east-bound — on the arrival of the passengers for whom they had been waiting. Then began a mad race toward the nearest relay station, where fresh horses were to be obtained. It was a subject for legitimate boasting when one stage outdistanced its competitors and excelled them in the speed with which the relay was accomplished. Coaches were often bereft of their exhausted animals and supplied with fresh ones within less than a minute of time. The one hundred and thirty miles of road between Cumberland and Wheeling were covered by the fastest coaches in twenty-four hours, or at a speed of about five and one-half miles an hour. Such was the regular schedule. It occasionally happened in stress of circumstances, when necessity arose, that the trip was made in twenty hours, though this was a severe strain not only on the passengers but on the equipment.

Those two events that always created the most excitement along the National Road, and that inevitably resulted in the performance of almost incredible exertions on the part of the stage-coach companies were the annual transportation of the President's message to the West, and the trip of a President himself over the turnpike. One reason making the rapid carriage of the President's message a thing of consequence — aside from the public interest with which such documents were always awaited at the time — was the fact that much importance was placed by the Federal Post-office Department on the speed attained while transferring such a message in the mails. For occasions of this sort the most ambitious and expert stage drivers were selected, and as one of them sped madly across the country, urging on his six horses from the top of a heavy and careening vehicle, the population of all the region along the road gathered to watch and cheer him. In carrying an executive message the driver sometimes covered 150 or 200 miles at the rate of ten miles an hour. There was no profit to the companies in work of this sort however. The special relays of horses had to be provided at much more frequent intervals than was usual, and valuable animals were ruined by the exertions to which they were forced.

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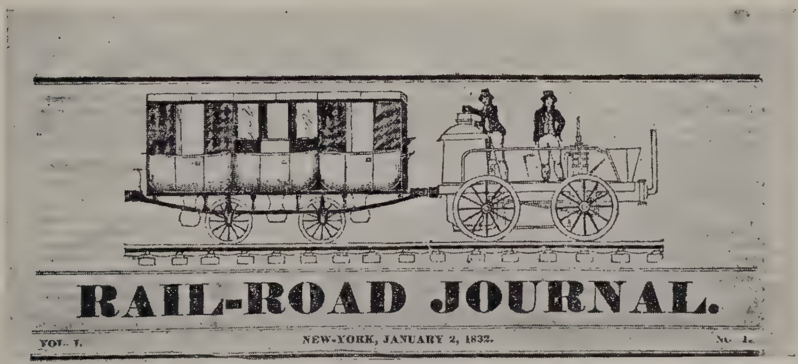
[1] At first this was called the "Express Line." Its better known name was bestowed upon it because of its employment of Montgomery Demming, aforementioned, after that driver had ceased to pilot a "June Bug" coach.

It was customarily the case — especially if the roads were bad — that the conveyance of the President's message by a stage-coach resulted in the avoidance of that particular vehicle by travellers who were not seriously pressed for time. They well knew the direful shaking they would receive if they became fellow passengers with the Presidential document. But if they were of necessity forced to travel with the annual address to Congress they made the best of it, and arrived finally at their destination, where the executive wisdom was enthusiastically received by the expectant multitude while they limped slowly and painfully to bed.

Whenever a President-elect travelled over the National Road to his inauguration at Washington, or when a President made a trip to the West over the same road, the company which he honored with his patronage either built a new coach for the occasion or else refitted the best one in its possession. The vehicle in that event was decorated with even greater vividness than usual. The coach itself was called *The President,* or the *General Jackson,* or *Old Tippecanoe* — as the case might be — and the name was painted on the door panels in brilliant red or blue with all the skill of an artist engaged for the occasion. The dignity and consequence assumed and thereafter maintained by the driver of a President's coach need not be discussed. He was ever afterward looked upon as the possessor of an importance considerably surpassing in most respects that of his equally famous passenger.



RAIL-ROAD JOURNAL.

VOL. I. NEW-YORK, JANUARY 2, 1832. No. 1.

217.—Heading and Title to Volume I, Number 1 of the *Rail-road Journal.* The Journal was the second American periodical, in point of time, which was established to advocate the revolutionary method of transportation.

President-elect Jackson declined the offer of free transportation in the new coach prepared to convey him to Washington in 1829, but permitted his family to occupy it. He himself paid his own way, in accordance with his rule to refuse gifts of value. When General Harrison went eastward over the road to his inauguration in 1841 he travelled in a fine new coach named *The President*. Polk and his immediate party occupied a similar vehicle. One of the incidents of the trip of General Taylor over the road in 1849 has thus been told:

> "President Taylor and his party were, in 1849, conveyed over the road under the marshalship of that most indefatigable Whig, Thos. Schriver, who, with some other Cumberlanders, proceeded to the Ohio river and met the presidential party. . . . The Road was a perfect glare of ice and everything above ground was literally plated with sleety frost. The scenery was beautiful; to native mountaineers too common to be of much interest, but to a southerner like General Taylor, who had never seen the like,[1] it was a phenomenon. In coming down a spur of Meadow Mountain the presidential coach, with the others, danced and waltzed on the polished road first on one side and then on the other with every sign of an immediate capsize. But the coaches were manned with the most expert of the corps of drivers. Schriver was in the rear and in the greatest trepidation for the safety of the President. He seemed to feel himself responsible for the safety of the head of the nation. Down each hill and mountain his bare head could be seen protruding from the window of his coach to discover if the President's coach was still upon wheels. The iron gray head of the General could almost with the same frequency be seen outside of his window, not to see after anybody's safety but to look upon what seemed to him an Arctic panorama. After a ride of many miles the last long slope was passed and everything was safe. At twilight the Narrows were reached, two miles west of Cumberland, one of the boldest and most sublime views on the Atlantic slope. General Taylor assumed authority and ordered a halt, and he got out in the storm and snow and looked on the giddy heights of Will's Creek until he had taken in the grandeur of the scenery. He had beheld nothing like it before, even in his campaigns in Northern Mexico."

The mention of Presidential trips over the National Road would not be complete without reference to an incident that happened to Van Buren near the western end of the thoroughfare in 1844. Although not chief executive of the nation at that time, he was making an extended trip through the Middle West in the hope of securing the nomination soon to be made by his party, and in the course of his journey he reached the town of Indianapolis. A considerable feeling of hostility to Van Buren then existed in Indiana, partly as a result of his earlier action in vetoing a bill designed for the completion of the National Road through that state. So a number of his Hoosier Whig opponents sought out the stage driver who was to pilot him westward to St. Louis and had a secret conference with that individual. Van Buren resumed his trip the next day, and hardly was he out of sight of Indianapolis when the driver ran off the road and upset the coach. But owing to the discrimination with which the scene of the accident had been selected the ex-President entirely escaped any injuries save those consequent upon his precipitation into a large mud-hole. It is needless to say that both his temper and apparel were seriously damaged. Thus did the Whigs of Indiana glut themselves with revenge for a President's opposition to the building of an interstate thoroughfare.

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[1] In reality, Taylor had seen too much of the world to be astonished by the mountains of Maryland, but he no doubt enjoyed them.

The ordinary rates of passage paid by stage-coach travellers on the eastern section of the National Road and its Baltimore connection were as follows:

From Baltimore to Frederick	$2.00
From Frederick to Hagerstown[1]	2.00
From Hagerstown to Cumberland	5.00
From Cumberland to Uniontown	4.00
From Uniontown to Washington	2.25
From Washington to Wheeling	2.00
Through fare to the Ohio River	$17.25

There is an interesting tradition to the effect that the custom of granting free travel privileges to favored individuals originated on the National Road in connection with its use by government officials. The story goes that a well-known stage line proprietor named Reeside framed a cabalistic signature which he made with chalk on the hat of a man to whom he was granting free transportation. Reeside's agents were instructed to collect no money from passengers whose beavers bore the magic sign. The drivers soon came to say of such a favored traveller, "The old man has chalked his hat."[1]

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[1] Hagerstown was not directly on the Road, but best reached by it, and so near that the town was always considered as a National Road "point."

One other peculiar and omnipresent feature of modern life for which the old National Road is responsible deserves notice. The drivers of the Conestoga wagons were inordinate users of tobacco, but owing to their small wages they protested loudly against paying the customary price for cigars. Some unknown genius thereupon devised a scheme for satisfying the wagoners. He invented an object, made of cheap tobacco and having the general size and shape of a lead pencil, which could be held between the teeth, and which would produce large quantities of strong smoke when manipulated according to the usage to which a cigar is customarily subjected. These nameless objects he placed on the market at four for one cent. They were adopted by the wagoners with enthusiasm, and were promptly dubbed "Conestoga cigars" by those who beheld them from a safe point of vantage. From this era of their history their transition to "Conestogys" and thence to "Stogies" was speedy and inevitable. "Stogies" they have since remained, and the smoke into which they disappear by the hundreds of millions is an incense — figuratively speaking — offered up to the memory of a vanished day.

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[1] Possibly the still existing practise of railroad conductors, who often stick small pasteboard cards in passengers' hat-bands, is a survival of this early custom which made it necessary to look at a man's hat to discover if his fare had been collected.